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Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1413

RIN 0560–AC73

Common Provisions for the 1993 Wheat, Feed Grains, Cotton, and Rice Programs

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On September 17, 1992, the Commodity Credit Corporation (CCC) issued a proposed rule with respect to discretionary provisions for the price support and production adjustment programs for wheat, feed grains, upland and extra long staple (ELS) cotton, and rice which are conducted by the CCC in accordance with the Agricultural Act of 1949 (the 1949 Act), as amended. This final rule amends the regulations to implement the changes on the following program determinations: (a) The types of crops which may not be planted on "flexible acreage"; (b) whether targeted option payments (TOP) should be instituted; (c) whether the planting of designated crops on up to one-half of the reduced acreage should be allowed; (d) whether the planting of oats for harvest on wheat and feed grain acreage conservation reserve (ACR) should be allowed; (e) whether the planting of conserving use crops on ACR should be allowed; (f) whether the planting of alternative crops on conserving use acreage for payment should be allowed; and (g) whether producers of malting barley should be exempt from complying with the acreage reduction requirements to maintain eligibility for feed grain loans, purchases, and payments.

EFFECTIVE DATE: March 1, 1993.

FOR FURTHER INFORMATION CONTACT: James A. Langley, Senior Policy Analyst, Office of the Deputy Administrator, Policy Analysis, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture (USDA), room 3090–S, P.O. Box 2415, Washington, DC 20013–2415 or call 202–690–0445.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of each option is available on request from the above-named individual.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule are not retroactive and preempt State laws only to the extent such provisions are inconsistent with State laws. Before any judicial action may be brought concerning these provisions, the administrative appeal remedies at 7 CFR part 780 must be exhausted.

Federal Assistance Programs

The titles and numbers of the Federal Assistance Programs, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies are as follows:

Titles	Numbers
Commodity Loans and Purchases	10.051
Cotton Production Stabilization	10.052
Feed Grains Production Stabilization	10.055
Wheat Production Stabilization	10.058
Rice Production Stabilization	10.065

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1413 set forth in this final rule contain information collection requirements that require clearance by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35. ASCS has submitted a request for approval of the information collection requirements to OMB. Public reporting burden for these collections is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing the burden, to the Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, (OMB No. 0560–0092) Washington, DC 20503.

7 CFR Part 1413

This final rule amends 7 CFR part 1413 to set forth the determination of whether certain discretionary provisions of the 1949 Act will be implemented and the manner in which implementation would be made.

In response to the proposed rule published on September 17, 1992, 32 timely letters were received. Four of these letters did not address the issues on which comments were sought. The remaining 28 respondents included: 12 producers, 7 State producer organizations, 3 National producer

organizations, 1 State Department of Agriculture, 1 member of Congress, 1 National trade association, 1 bank, 1 producer cooperative, and 1 USDA Board.

Comments and Decisions

A. Crops Prohibited on Flexible Acreage

Comments were received from 18 respondents concerning crops prohibited from being planted on flexible acreage. Respondents included: Seven producers, six State producer organizations, two National producer organizations, one producer cocperative, one bank, and one USDA Board. Fifteen respondents recommended no changes to the list of prohibited crops. Two respondents recommended that no restrictions be implemented on flexible acres, and one respondent recommended prohibiting all crops on flexible acres.

Eight of the 15 comments recommending no changes to the list of crops prohibited on flexible acres were from wild rice producers. As in 1991 and 1992, the decision was made not to allow the production of wild rice on flexible acres because of the volatility of the specialty market that currently exists for wild rice.

The decision was made not to eliminate all restrictions on crops currently prohibited on flexible acres. Not only is the Secretary of Agriculture (Secretary) prohibited from allowing fruits and vegetables from being harvested on flexible acres, the current list of prohibited crops provides producers with a large degree of flexibility. The decision was also made not to expand the list of prohibited crops to maintain current flexibility opportunities.

B. Implementation of TOP

Ten responses were received on the TOP provision. Three State producer organizations, two producers, one National producer organization, and one State Department of Agriculture requested that the TOP be implemented. Two State producer organizations and one National producer organization requested that the TOP not be implemented.

TOP will not be implemented because it was determined that producers already have substantial planting flexibility and because it would not currently be feasible to operate the TOP as mandated by the 1949 Act, which requires that TOP be implemented in a way that is participation, production, and budget neutral.

C. Designated Crops on ACR

Seventeen comments were received. Five State producer organizations, four producers, two National producer organizations, and one Member of Congress requested that the harvesting of designated crops not be allowed on up to one-half of the announced acreage reduction. One National producer organization, one National trade association, one State producer organization, one USDA Board, and one producer requested that the harvesting of designated crops be allowed on up to one-half of the announced acreage reduction.

The harvesting of designated crops on up to one-half of ACR will not be permitted because it is determined that producers already have sufficient flexibility to plant designated crops on flexible acreage.

D. Oats on Wheat and Feed Grain ACR

A total of eight comments were received concerning the planting of oats for harvest on wheat and feed grain ACR. Responses from three State producer organizations, one National producer organization, and one producer were opposed to the harvest of oats on ACR. One National trade association, one State producer organization, and one producer were in favor of harvesting oats on ACR.

The planting of oats for harvest on wheat and feed grain ACR will not be permitted because it is determined that producers already have the ability to expand oats production under the planting flexibility provisions.

E. Conserving Crops for Harvest on ACR

Ten comments were received concerning conserving crops for harvest on ACR. Four State producer organizations and one producer opposed harvesting conserving crops on ACR. Two National producer organizations, one State producer organization, one USDA Board, and one producer were in favor of harvesting conserving crops on ACR.

Because producers can plant all of the conserving crops under the flexibility provisions and a sufficient supply of conserving crops in available, harvesting of conserving crops on ACR is not allowed.

F. Alternative Crops on Conserving Use Acres for Payment

Eight comments were received related to alternative crops on conserving use acres for payment. Two National producer organizations, two State producer organizations, and two producers did not support permitting harvesting of alternative crops on conserving use acres for payment. One USDA Board and one State producer organization supported implementation of this provision.

Because producers can plant all of the alternative crops under the flexibility provisions and a sufficient supply of alternative crops is available, harvesting of alternative crops on conserving use acres for payment is not allowed.

G. Malting Barley Exemption

Three comments were received requesting that malting barley not be exempt from acreage reduction requirements. The respondents included two State producer organizations and one National producer organization. One State producer organization and one producer requested that malting barley be exempt from acreage reduction requirements.

Malting barley will not be exempt from the acreage reduction requirements because malting barley supplies are expected to be adequate and such exemption would complicate the program since producers often plant varieties that can be used for either malting or feed purposes.

Program Determinations

Accordingly, the following program determinations are made with respect to the provisions that are applicable to the crops of wheat, feed grains, upland and ELS cotton, and rice:

A. The Types of Crops Which May Not Be Planted on Flexible Acres

Section 504 of the 1949 Act states that producers may plant crops other than the program crop on up to 25 percent of any participating crop acreage base. This acreage is known as "flexible" acreage.

Crops that may be planted on flexible acreage are: (1) Any program crop; (2) any oilseed crop; (3) any other crop, except any fruit or vegetable crop (including potatoes, dry edible beans, lentils, and peas); and (4) mung beans. The planting of certain fruits or vegetables may be permitted if such crop is an industrial or experimental crop, or if no substantial domestic production or market exists for the crop. The planting of any crop on flexible acres may also be prohibited.

CCC will permit the same crops to be grown on flexible acreage in 1993 as were allowed in 1992.

B. Whether the TOP Will Be Implemented

Sections 107B(e)(3), 105B(e)(3), 103B(e)(3), and 101B(e)(3) of the 1949 Act, with respect to wheat, feed grains, upland cotton, or rice, provide that, if

an acreage limitation program is in effect, the Secretary may offer producers the option of increasing or decreasing the acreage reduction level, within certain restrictions, with a corresponding decrease or increase in the target price. The target price may be decreased or increased by not less than 0.5 percent nor more than 1 percent for each percentage point change in the acreage reduction level. The acreage limitation requirement cannot be increased by more than 15 percentage points or above 25 percent total for wheat; by more than 10 percentage points or above 20 percent total for feed grains; by more than 10 percentage points or above 25 percent total for cotton; and by more than 5 percentage points for rice. The decrease in the acreage limitation requirement for all crops cannot be more than one-half of the announced acreage limitation percentage.

The Secretary shall, to the extent practicable, ensure that the TOP does not have a significant effect on program participation, total production or budget outlays.

The TOP provision will not be implemented for the 1993 crops.

C. Whether To Permit the Planting of Designated Crops on Up to Half of the Announced Acreage Reduction

Sections 107B(e)(2)(F)(i), 105B(e)(2)(F)(i), 103B(e)(2)(F)(i), and 101B(e)(2)(F)(i) of the 1949 Act, with respect to wheat, feed grains, upland cotton, and rice, provide that the Secretary may permit producers to plant a designated crop on not more than one-half of the reduced acreage on the farm.

The designated crops may be: (a) Any oilseed crop; (b) any industrial or experimental crop designated by CCC; and (c) any other crop, except any fruit or vegetable (including potatoes and dry edible beans), not designated by the Secretary as (i) an industrial or experimental crop, or (ii) a crop for which no substantial domestic production or market exists. In addition, program crops may not be planted on the reduced acreage on the farm.

If producers on a farm elect to plant a designated crop, the amount of deficiency payments that the producers are otherwise eligible to receive shall be reduced, for each acre that is planted to the designated crop, by an amount equal to the deficiency payment that would be made with respect to a number of acres of the crop that the Secretary considers appropriate. Such reductions in deficiency payments must be sufficient to ensure that this provision does not increase CCC outlays.

Planting of designated crops on up to one-half of the ACR will not be implemented for the 1993 crop year.

D. Whether To Permit the Planting of Oats on ACR

In any crop year that it is determined that projected domestic production of oats will not fulfill the projected domestic demand for oats, CCC: (a) May provide that acreage designated as ACR under the wheat and feed grains programs may be planted to oats for harvest under sections 107B(e)(8) and 105B(e)(8) of the 1949 Act; (b) may make program benefits (including loans, purchases, and payments) available under the annual program for oats under section 105B of the 1949 Act for oats planted on ACR; and (c) shall not make program benefits other than the benefits specified in (b) available to producers with respect to acreage planted to oats under this provision.

The planting of oats on wheat and feed grains ACR for harvest will not be permitted for the 1993 crops.

E. Whether To Permit Conserving Crops To Be Planted on ACR

Under sections 107B(e)(4)(B)(iii), 105B(e)(4)(B)(iii), 103B(e)(4)(B)(iii), and 101B(e)(4)(B)(iii) of the 1949 Act, with respect to wheat, feed grains, upland cotton, and rice, producers may be authorized to plant all or any part of the ACR to castor beans, crambe, sweet sorghum, guar, sesame, plantago ovato, triticale, rye, mung beans, milkweed or other commodity, if the Secretary determines that the production is needed to provide an adequate supply of the commodities, is not likely to increase the cost of the price support program and will not adversely affect farm income.

The planting of conserving crops on ACR will not be implemented for the 1993 crops.

F. Alternative Crops on Conserving Use Acres

Under sections 107B(c)(1)(F)(i), 105B(c)(1)(F)(i), 103B(c)(1)(E)(i), and 101B(c)(1)(E)(i) of the 1949 Act, with respect to wheat, feed grains, upland cotton, and rice, producers may be authorized to plant all or any part of acreage otherwise required to be devoted to conserving uses as a condition of qualifying for payment under the 0/92 or 50/92 provisions to sweet sorghum, guar, castor beans, plantago ovato, triticale, rye, millet, mung beans, commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, or commodities grown for experimental purposes (including kenaf and milkweed). The Secretary may permit these crops to be planted on conserving use acres only if the Secretary determines that the production is not likely to increase the cost of the price support program, is needed to provide an adequate supply of the commodities, or is needed to encourage domestic manufacture of industrial raw materials derived from these crops.

The planting of alternative crops on conserving use acreage for payment will not be implemented for the 1993 crops.

G. Malting Barley Exemption From Acreage Reduction Requirements

Under section 105B(p) of the 1949 Act with respect to feed grains, the Secretary may exempt producers of malting barley, as a condition of eligibility for feed grain loans, purchases and payments, from complying with the acreage reduction requirements.

Malting barley will not be exempted from the feed grain acreage reduction requirements for the 1993 crop.

List of Subjects in 7 CFR Part 1413

Cotton, Feed grains, Price support programs, Rice, Wheat.

Accordingly, 7 CFR part 1413 is amended as follows:

PART 1413—FEED GRAIN, RICE, UPLAND AND EXTRA LONG STAPLE COTTON, WHEAT AND RELATED PROGRAMS

1. The authority citation for 7 CFR part 1413 continues to read as follows:

Authority: 7 U.S.C. 1308, 1308a, 1309, 1441–2, 1444–2, 1444f, 1445b–3a, 1461–1469; 15 U.S.C. 714b and 714c.

2. In § 1413.11, paragraph (b)(4)(iii) is added to read as follows:

§ 1413.11 Planting flexibility.

* * * * *

(b) * * *

(4) * * *

(iii) For 1993, any other crop with the exception of those crops listed in paragraphs (b)(4)(i) and (b)(4)(ii) of this section.

* * * * *

3. In § 1413.54, paragraphs (b), (c)(1), and (e) are revised to read as follows:

§ 1413.54 Acreage reduction program provisions.

* * * * *

(b) Targeted option payments shall not be available with respect to the 1991, 1992, and 1993 crops of wheat, feed grains, upland cotton, and rice.

(c)(1) Acreage designated as ACR under the 1991, 1992, and 1993 wheat, feed grain, upland cotton, and rice

programs may not be devoted to oilseeds, industrial or experimental crops, to other program crops, to designated crops, or any other crop and must be devoted to approved uses as otherwise provided in this part.

* * * * *

(e) With respect to the 1991, 1992, and 1993 crop years, in order to receive feed grain loans, purchases and payments in accordance with this part and part 1421 of this title, producers of malting barley must comply with the acreage reduction requirements of this part.

* * * * *

Signed February 26, 1993, at Washington, DC.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–4915 Filed 3–1–93; 10:02 am]

BILLING CODE 3410–05–M

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7 CFR Parts 1413 and 1427

RIN: 0560–AC64

1993 Extra Long Staple Cotton Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On October 26, 1992, the Commodity Credit Corporation (CCC) issued a proposed rule with respect to the 1993 Production Adjustment Program for Extra Long Staple (ELS) cotton, which is conducted by the CCC in accordance with the Agricultural Act of 1949 (1949 Act), as amended. The 1993 ELS cotton Acreage Reduction Program (ARP) percentage has been determined to be 20 percent. This final rule amends the regulations to set forth the ARP, the established (target) price, the price support rate, and the advance deficiency payment percentage for the 1993 crop of ELS cotton. No paid land diversion (PLD) program will be implemented for the 1993 crop of ELS cotton.

EFFECTIVE DATE: March 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Kathryn A. Broussard, Fibers and Rice Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, room 3754–S, PO Box 2415, Washington, DC 20013–2415 or call 202–720–9222.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that an annual effect on the economy of $100 million or more will not result from implementation of the provisions of this final rule.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051 and Cotton Production Stabilization—10.052.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Information Collection Requirements

The amendments to 7 CFR parts 1413 and 1427 set forth in this proposed rule do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of the selected option is available on request from the above-named individual.

Background

This final rule amends 7 CFR part 1413 to set forth determinations on the 1993 Production Adjustment Program and the PLD Program and 7 CFR part 1427 to set forth the determinations on the 1993 price support level. General descriptions of the statutory basis for the 1993 ELS ARP percentage determination in this final rule were set forth at 57 FR 48748 (October 26, 1992).

A total of five comments were received during the comment period. Three respondents favored a 15-percent ARP level, citing the belief that higher ARP's may result in some producers forgoing the program to benefit from reducing costs across higher planted acreages. One respondent requested no change in the ARP level from the 1992 level of 5 percent. One comment recommended a 20-percent ARP level, citing potential for a stronger market price with a higher ARP level.

After considering these comments, the Secretary of Agriculture (Secretary) announced a 20-percent ARP level on December 1, 1992. The Secretary determined that a 20-percent ARP would maintain U.S. competitiveness in world markets while balancing the risks of excessive supplies and possible shortages. A 20-percent ARP reflects the current supply situation while signaling to domestic and foreign customers that the U.S. will be a reliable supplier.

Acreage Reduction

In accordance with section 103(h)(5)(A) of the 1949 Act, an ARP has been established for the 1993 crop of ELS cotton at 20 percent. Accordingly, producers will be required to reduce their 1993 acreage of ELS cotton for harvest from the crop acreage base established for ELS cotton by at least this established percentage in order to be eligible for price support loans, purchase, and payments.

Paid Land Diversion

In accordance with section 103(h)(5)(B) of the 1949 Act, a PLD Program will not be implemented for the 1993 crop of ELS cotton.

Price Support Rate

In accordance with section 103(h)(2) of the 1949 Act, the price support rate has been established with respect to the

1993 crop of ELS cotton at 88.12 cents per pound.

Established (Target) Price

In accordance with section 103(h)(3)(B) of the 1949 Act, the established (target) price has been established with respect to the 1993 crop of ELS cotton at 105.70 cents per pound.

Advance Deficiency Payment Percentage

In accordance with section 103(h)(3)(C) of the 1949 Act, the advance deficiency payment percentage has been established with respect to the 1993 crop of ELS cotton at 50 percent.

List of Subjects

7 CFR Part 1413

Acreage allotments, Cotton, Disaster assistance, Feed grains, Price support programs, Reporting and recordkeeping requirements, Rice, Soil conservation, Wheat.

7 CFR Part 1427

Cotton, Loan programs/agriculture, Packaging and containers, Price support programs, Reporting and recordkeeping requirements, Surety bonds, Warehouses.

Accordingly, 7 CFR parts 1413 and 1427 are amended as follows:

PART 1413—FEED GRAIN, RICE, UPLAND AND EXTRA LONG STAPLE COTTON, WHEAT AND RELATED PROGRAMS

1. The authority citation for 7 CFR part 1413 continues to read as follows:

Authority: 7 U.S.C. 1308, 1308a, 1309, 1441–2, 1444–2, 1444f, 1445b–3a, 1461–1469; 15 U.S.C. 714b and 714c.

2. Section 1413.54 is amended by:

A. Revising paragraph (a)(5)(ii),

B. Adding paragraph (a)(5)(iii),

C. Revising paragraph (d)(3)(ii), and

D. Adding paragraph (d)(3)(ii) to read as follows:

§ 1413.54 Acrage reduction program provisions.

(a) * * *

(5) * * *

(ii) 1992 ELS cotton, 5 percent; and

(iii) 1993 ELS cotton, 20 percent.

* * * * *

(d) * * *

(3) * * *

(ii) Shall not be made available to producers of feed grains, and

(iii) Shall not be made available to producers of ELS cotton.

* * * * *

3. Section 1413.104 is amended by revising paragraphs (a)(8) and (b) to read as follows:

§ 1413.104 Established (target) prices.

(a) * * *

(8)(i) 1991 ELS cotton—$0.996/lb;

(ii) 1992 ELS cotton—$1.058/lb; and

(iii) 1993 ELS cotton—$1.057/lb.

(b) ELS cotton target price for the 1994 and 1995 crops will be established as 120 percent of the loan rate for ELS cotton.

4. Section 1413.109 is amended by revising paragraph (d) to read as follows:

§ 1413.109 Timing and calculation of deficiency payments.

* * * * *

(d)(1) For the 1991, 1994, and 1995 crops of wheat, feed grains, upland cotton, and rice, if an acreage limitation program is in effect, CCC shall make available 40 percent of the projected final deficiency payments, made in accordance with § 1413.108, as an advance payment to producers in the manner determined and announced by CCC. For the 1992 and 1993 crops of wheat, feed grains, upland cotton, and rice, if an acreage limitation program is in effect, CCC shall make available 50 percent of the projected final deficiency payments made in accordance with § 1413.108, as an advance payment to producers in the manner determined and announced by CCC.

(2) For the 1991 and 1992 crop of ELS cotton, no advance deficiency payments shall be made available. For the 1993 crop of ELS cotton, CCC shall make available 50 percent of the projected final deficiency payments made in accordance with § 1413.108, as an advance payment to producers in the manner determined and announced by CCC.

PART 1427—COTTON

5. The authority citation for 7 CFR part 1427 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1444, and 1444–2; 15 U.S.C. 714b and 714c.

6. Section 1427.8 is amended by:

A. Revising paragraph (a)(2)(ii), and

B. Adding paragraph (a)(2)(iii) to read as follows:

§ 1427.8 Amount of loan.

(a) * * *

(2) * * *

(ii) 1992 ELS cotton, 88.15 cents per pound; and

(iii) 1993 ELS cotton, 88.12 cents per pound.

* * * * *

Signed at Washington, DC, on February 26, 1993.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–4917 Filed 3–1–93; 10:16 a.m.]

BILLING CODE 3410–05–M

FARM CREDIT ADMINISTRATION

12 CFR Part 601

RIN 3052–AB38

Employee Responsibilities and Conduct; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under part 601 on January 25, 1993 (58 FR 5919). The final regulation amends 12 CFR part 601 that has been or will be superseded by Office of Personnel Management and Office of Government Ethics (OGE) regulations on "Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees" and OGE "Standards of Ethical Conduct for Employees of the Executive Branch" to facilitate the issuance of uniform standards of ethical conduct for employees of the executive branch. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 3, 1993.

EFFECTIVE DATE: The regulation amending 12 CFR part 601, published on January 25, 1993 (58 FR 5919) is effective March 3, 1993.

FOR FURTHER INFORMATION CONTACT:

Eric Howard, Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498,

or

Wendy R. Laguarda, Senior Attorney and Deputy Ethics Official, Administrative Law and Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a)(9) and (10))

Dated: February 26, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–4904 Filed 3–3–93; 8:45am]

BILLING CODE 6705–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR part 121

Small Business Size Standards; Business Loan Program; Alternative Size Standard

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: On December 21, 1992, the Small Business Administration (SBA) adopted, on an interim final basis, an alternate size standard criterion for its General Business Loan (7(a)) program, which would allow a concern to qualify as small if it satisfied certain net worth and net income tests which are presently used for SBA's Certified Development Company (504) program and Small Business Investment Company (SBIC) program. This alternate standard consists of two measures, $6 million in net worth and $2 million in net income (after Federal income taxes). Both of these measures must be met for a firm to qualify as small under the alternate size criterion. However, a firm may still continue to qualify as a small business pursuant to the size standard applicable to its primary industry, even if it does not meet this alternate standard. SBA has decided to further review the desirability of the alternate standard. This final rule retracts the alternate standard and reinstitutes the size standards specific to an industry in which a firm operates for the General Business Loan program, which were in effect immediately prior to December 31, 1992, as the sole criteria for eligibility.

EFFECTIVE DATE: March 4, 1993.

ADDRESSES: Send comments to Robert N. Ray, Acting Director, Size Standards Staff, 409 Third Street SW., suite 8150, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ajoy K. Sinha, Size Standards Staff at (202) 205–6618.

SUPPLEMENTARY INFORMATION: Under the interim final rule published on December 31, 1992 (57 FR 62477), a two-part alternate size standard test was applied for purposes of SBA's General business Loan (7(a)) program. As such, a concern applying for a 7(a) loan may elect to meet either the alternate standard of $6 million in net worth and $2 million in net income (after Federal taxes), or the single employee or receipts based standard that is specified for its industry.

SBA promulgated the alternate net worth/net income standard rule on an interim final basis, without opportunity for prior public comment, pursuant to authority contained in the Administrative Procedure Act, 5 U.S.C. 553(b)(B). SBA sought public comment on the rule as it recognized that the public may desire input into the Agency's final decision on its application of the alternate standard to a particular Agency program.

SBA has decided to withdraw the interim final rule and return the relevant size standard for its General Business Loan program to its former status before publication of the interim final rule of December 31, 1992. This is being done in order to afford the Agency a further opportunity to review the implications of the alternative rule on its business loan program, including a review of public comments received on the interim final rule. It is expected that once this period of review is complete, the matter will be treated by appropriate regulatory action.

Compliance With Regulatory Flexibility Act, Executive Orders 12291, 12612, and 12778, and the Paperwork Reduction Act

General

SBA considers that this final rule will have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). In addition, the rule constitutes a major rule for the purpose of Executive Order 12291. Immediately below, SBA has set forth a summary regulatory impact analysis and an initial regulatory eligibility analysis of this proposal.

(1) Description of Entities to Which the Rule Applies

For purposes of financial assistance, SBA estimates that about 47,000 firms currently defined as small business for the 504 and SBIC programs will not be eligible to seek financial assistance offered by the SBA's General Business Loan program. The vast majority of the firms losing eligibility for the 7(a) program because of this rule operate in the retail trade and services industries; almost no firms in manufacturing or mining will lose eligibility for the 7(a) program because of this rule.

(2) Description of Potential Benefits of the Rule

Under this rule, some firms which are eligible for other SBA financial assistance will not be eligible for the General Business Loan program. This may result in an elimination of duplication of SBA program assistance.

(3) Description of Potential Costs of the Rule

This rule should not result in any extra costs with respect to SBA's loan programs. The competitive effects of size standards revisions differ from those normally associated with regulations affecting key economic factors such as the price of goods and services, costs, profits, growth, innovation, mergers and foreign trade.

The change in size standards is not anticipated to have any appreciable effect on any of these factors.

(4) Description of the Potential Net Benefits From the Rule

From the above discussion, SBA believes that, because the potential costs of this rule are minimal, the potential net benefits would approach fairly closely the potential benefits described above. The impact of the standard will appear exclusively in the Federal business lending area in which it is targeted.

(5) Description of Reasons Why This Action Is Being Taken and Objectives of Rule

This revision is being undertaken in order to afford SBA more time to study the implications of any change of size standards on its General Business Loan program.

(6) Legal Basis for Rule

The legal basis for the rule is sections 3(a) and 5(b) of the Small Business Act, 15 U.S.C. 632(a), 634(b)(6), 637(a) and 644(c).

(7) Federal Rules

There are no Federal rules which duplicate, overlap or conflict with this rule.

(8) Significant Alternatives to This Rule

Significant alternatives such as that made effective by the December 31, 1992 interim final rule are under consideration.

SBA certifies that this rule will not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612. SBA further certifies that this rule will not add any new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35. For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in

accordance with the standards set forth in section 2 of that order.

List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Loan programs—business, Small business.

Accordingly, part 121 of 13 CFR is amended as follows:

PART 121—[AMENDED]

1. The authority citation for Part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a) and 644(c).

§ 121.802 [Amended]

2. Section 121.802(a)(1) is amended by adding the words "Business Loan," before the words "Disaster Loan."

3. Section 121.802(a)(2) is revised to read as follows:

§ 121.802 Establishment of the size standard.

(a) * * *

(2) For financial assistance and/or management/technical assistance under the Small Business Investment Company, and Development Company Programs, an applicant concern must meet one of the following standards:

(i) Together with its affiliates, it does not have net worth in excess of $6 million, and does not have average net income after Federal income taxes (excluding any carry-over losses) for the preceding two years in excess of $2 million; or

(ii) Together with its affiliates, it meets the size standard for the industry in which it is primarily engaged and excluding its affiliates, meets the size standard for the industry in which it is primarily engaged. These size standards are set forth in § 121.801.

* * * * *

Dated: February 9, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93–4886 Filed 3–3–93; 8:45 am]

BILLING CODE 8025–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1030

Employee Standards of Conduct; Partial Revocation of Superseded Regulation

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is revoking parts of its Employee Standards of Conduct, 16 CFR part 1030, which have been superseded by regulations issued by the Office of Government Ethics.

EFFECTIVE DATE: The revocation of subpart F, §§ 1030.601 through 1030.611, is effective October 5, 1992. All other revocations are effective February 3, 1993.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland, telephone (301) 504-0800.

FOR FURTHER INFORMATION CONTACT: Richard W. Allen, Alternate Agency Ethics Official, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-0980.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics (OGE) has issued 5 CFR part 2634, Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees (57 FR 11800, April 7, 1992). Effective October 5, 1992, these regulations superseded the current executive branch reporting regulation at 5 CFR part 735, subpart D and § 735.106, and agencies' implementing regulations, including subpart F of the Commission's regulations.

Under the authority of Executive Order 12674 (April 12, 1989) as modified by Executive Order 12731, (October 17, 1990), OGE has issued 5 CFR part 2635, Standards of Ethical Conduct for Employees of the Executive Branch (57 FR 35006, August 7, 1992). These standards of conduct, when they became effective on February 3, 1993, superseded comparable agency regulations and authorized agencies to issue jointly with OGE "supplemental agency regulations which the agency determines are necessary and appropriate, in view of its programs and operations, to fulfill the purposes" of part 2635. Part 2635 does not supersede other agency ethics regulations which an agency has independent authority to issue.

However, as permitted by § 2635.803 of the OGE Standards of Conduct, the Commission is retaining its requirement for employees obtaining prior approval before engaging in outside employment or activities. This approval requirement will continue until February 3, 1994, or until issuance of a supplemental regulation, whichever occurs first.

Accordingly, the Commission is revoking all of 16 CFR part 1030 except §§ 1030.402, 1030.404, 1030.405, 1030.406, and 1030.408, the sections providing for preapproval of outside activities, and subpart M, dealing with disclosure of information about individuals.

In addition, the appendices to part 1030, the texts of which have never been published as part of the Code of Federal Regulations, are also being revoked as superfluous.

Since this rule relates solely to internal agency management and procedures, it is not subject to the advance notice and other public procedures otherwise required by 5 U.S.C. 553.

List of Subjects in 16 CFR Part 1030

Conflict of interests, Government employees, Privacy.

For the reasons set forth above, 16 CFR part 1030 is amended as follows:

PART 1030—[AMENDED]

1. The authority citation for part 1030 is revised to read as follows:

Authority: 5 U.S.C. app. (Ethics in Government Act); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR part 2635.

2. All of subparts A through C are removed.

3. In subpart D §§ 1030.401, 1030.403, 1030.407, 1030.409, and 1030.410 are removed.

4. Subparts E though L are removed.

5. Appendices A through F are removed.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–4784 Filed 3–3–93; 8:45 am]

BILLING CODE 6355–01–F

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility: Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the official Federal Poverty Income Guidelines as issued by the Department of Health and Human Services.

EFFECTIVE DATE: March 4, 1993.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, Legal Services Corporation, 750 First Street NE., Washington, DC 20002–4250; 202–336–8810.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income. Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the official Federal Poverty Income Guidelines as set by the Office of Management and Budget.

Responsibility for revision of the official Federal Poverty Income Guidelines was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1993 that are equivalent to 125% of the current official Poverty Income Guidelines as set out at 58 FR 8287 (Feb. 12, 1993) are set forth below.

List of Subjects in 45 CFR Part 1611

Legal services.

PART 1611—ELIGIBILITY

1. The authority citation for part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of part 1611 is revised to read as follows:

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION 1993 POVERTY GUIDELINES*

Size of family unit	All States but Alaska and Hawaii [1]	Alaska [2]	Hawaii [3]
1	$8,713	$10,876	$10,050
2	11,788	14,725	13,575
3	14,863	18,575	17,100
4	17,938	22,425	20,625
5	21,013	26,275	24,150
6	24,088	30,125	27,675
7	27,163	33,975	31,200
8	30,238	37,825	34,725

* The figures in this table represent 125% of the poverty income level by family size as determined by the Department of Health and Human Services.
[1] For family units with more than eight members, add $3,075 for each additional member in a family.
[2] For family units with more than eight members, add $3,850 for each additional member in a family.
[3] For family units with more than eight members, add $3,525 for each additional member in a family.

Dated: February 26, 1993.

Victor M. Fortuno,

General Counsel.

[FR Doc. 93–4925 Filed 3–3–93; 8:45 am]

BILLING CODE 7050–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 40679–4079]

High Seas Salmon Fishery Off Alaska

CFR Correction

In title 50 of the Code of Federal Regulations, part 600 to end, revised as of October 1, 1992, on page 436, § 674.5 should be removed in its entirety.

BILLING CODE 1505–01–D

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area (BSAI)

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Change in recordkeeping and reporting requirements.

SUMMARY: NMFS is requiring all processors that catch or receive pollock under any Western Alaska Community Development Quota (CDQ) Program to submit Daily Production Reports. This action is necessary to prevent exceeding each allocated CDQ. It is intended to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP).

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), February 26, 1993, through 12 midnight, A.l.t., December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Martin Loefflad, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the FMP prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The CDQ Program was created to help develop commercial fisheries in communities on the Bering Sea coast. Qualifying communities are assigned a portion of the overall program allocation. Each vessel and processor involved in a CDQ fishery must be individually monitored to keep each CDQ participant within its allocation. The combination of several CDQs, each varying in quota amounts and expected effort, necessitates additional reporting requirements to manage the fisheries effectively.

The Director of the Alaska Region, NMFS (Regional Director), in accordance with § 675.5(c)(3)(i), is requiring processor vessels and shoreside processing facilities (processors) that conduct fishing activities in, or receive groundfish from, any CDQ fishery in the BSAI management area to submit Daily Production Reports in addition to Weekly Processor Reports. Daily Production Reports are required from 12 noon, February 26, 1993, through December 31, 1993, or until the Regional Director determines that these reports are no longer necessary.

Daily Production Reports must include all information required by § 675.5(c)(3)(ii). Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" (Daily Production Report) form available in the processors' recordkeeping reference manual or from

the Regional Director at the address listed in the manual.

Processors must transmit their completed Daily Production Reports to the Regional Director by facsimile transmission to 907–586–7131, by telephone via number 907–586–7228, or by telex (U.S. Code) at 6229600 no later than 12 noon, A.l.t., of the day following the day the groundfish was harvested or received.

Classification

This action is taken under § 675.5 and complies with E.O. 12291.

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying promulgation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior public comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act. Further, this action is made pursuant to regulations which were promulgated by providing notice to the public and an opportunity for publication participation. CDQ fishing effort without Daily Production Reports could result in exceeding the individual CDQ allotments.

The collection-of-information requirement contained in this notice was approved by the Office of Management and Budget (OMB) as a revision to OMB No. 0648–0123 (56 FR 9636, March 7, 1991).

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 23, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–4903 Filed 2–26–93; 4:37 pm]

BILLING CODE 3510-22-M

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

RIN 0560–AD12

1993–95 Wheat and Feed Grain Marketing Loan Provisions

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations to set forth the marketing loan provisions for the 1993 through 1995 crops of wheat and feed grains. Section 1104 of the Agricultural Reconciliation Act of 1990 requires implementation of wheat and feed grain marketing loan provisions for the 1993 through 1995 crops in accordance with the Agricultural Act of 1949, as amended (the 1949 Act), if the U.S. does not enter into an agricultural agreement in the Uruguay Round of the multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT) by June 30, 1992. These actions are necessary because an agreement was not entered into by June 30, 1992.

DATES: Comments must be received on or before April 5, 1993 in order to be assured of consideration.

ADDRESSES: Comments must be mailed to the Acting Deputy Administrator for Policy Analysis, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, room 3742–S, Washington, DC 20013–2415. Comments received may be inspected between 9 a.m. and 4:30 p.m. Monday through Friday, except holidays, in room 3742, South Agriculture Building, USDA, 14th and Independence Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Philip W. Sronce, Director, Grains Analysis Division, ASCS, USDA, P.O. Box 2415, room 3742–S, Washington, DC 20013–2415 or call 202–720–4418.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This proposed rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been designated as "non-major." It has been determined that this proposed rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in domestic or export markets. The Preliminary Regulatory Impact Analysis describing the options considered in developing this rule and the impact of the implementation of each option is available on request from Craig Jagger, Agricultural Economist, Grains Analysis Division, ASCS, USDA, P.O. Box 2415, room 3742–S, Washington, DC 20013–2415 or call 202–720–4418.

Federal Assistance Programs

The titles and numbers of the Federal Assistance Programs, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are as follows:

Title	Number
Commodity Loans and Purchases	10.051
Feed Grain Production Stabilization	10.055
Wheat Production Stabilization	10.058

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778. The provisions of this proposed rule do not preempt State laws, are not retroactive, and do not require the exhaustion of any administrative appeal remedies.

Environmental Assessment or Impact Statement

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1421 set forth in this proposed rule contain information collection requirements that require clearance by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35. ASCS has submitted a request for approval of the information collection requirements to OMB. Public reporting burden for these collections is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing the burden, to the Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

Public Comments

Comments are requested with respect to this proposed rule and such comments shall be considered in developing the final rule.

Statutory Background

Section 1104 of the Agricultural Reconciliation Act of 1990 requires that marketing loan provisions be implemented for the 1993 crop of wheat and feed grains if an agricultural agreement relating to the GATT negotiations was not entered into by

June 30, 1992. Since such negotiations had not produced such an agreement, marketing loan provisions must be implemented for the 1993 through 1995 crops of wheat and feed grains.

In accordance with section 107B(a)(4)(C), in the case of wheat, and section 105B(a)(4)(C), in the case of feed grains, of the 1949 Act, when the world market price, adjusted to U.S. quality and location (i.e., the adjusted world price or AWP) is less than the loan level, the Secretary of Agriculture (the Secretary) may permit a producer to repay a nonrecourse loan at an alternative repayment rate (ARR) that the Secretary determines will (1) minimize potential loan forfeitures, (2) minimize the accumulation of wheat and feed grain stocks, (3) minimize the cost incurred by the Federal Government in storing wheat and feed grains, and (4) allow wheat and feed grains produced in the U.S. to be marketed freely and competitively, both domestically and internationally.

In accordance with section 107B(b), in the case of wheat, and section 105B(b), in the case of feed grains, of the 1949 Act, the Secretary may make payments (i.e., loan deficiency payments) available to producers who, although eligible to receive a loan or purchase agreement, may forego obtaining the loan or purchase agreement in return for the loan deficiency payment. The loan deficiency payment rate shall be the amount by which the loan level exceeds the marketing loan repayment rate.

Marketing Loan Repayment Rate

In accordance with section 107B(a)(4)(C), in the case of wheat, and section 105B(a)(4)(C), in the case of feed grains, of the 1949 Act, it is proposed that when the AWP is less than the loan level, a producer may repay a nonrecourse loan at the ARR. For the purposes of this rule, the ARR equals the AWP, and the loan level determined for a crop equals the loan level and charges, plus interest.

It is proposed that AWPs for wheat and feed grains be established on a daily basis for each county based upon the previous day's market prices at appropriate U.S. terminal markets, as determined by CCC, adjusted to reflect quality and location. Thus, the marketing loan repayment rates proposed for the wheat and feed grain marketing loan provisions of the 1949 Act would be set at the same levels at which generic certificates can currently be exchanged for wheat and feed grains.

The Secretary has determined that this approach would (1) minimize potential loan forfeitures, (2) minimize the accumulation of wheat and feed grain stocks, (3) minimize the cost incurred by the Federal Government in storing wheat and feed grains, and (4) allow wheat and feed grains produced in the U.S. to be marketed freely and competitively, both domestically and internationally.

Loan Deficiency Payments

In accordance with sections 107B(b) and 105B(b) of the 1949 Act, it is proposed that producers who are eligible to receive a nonrecourse loan or purchase agreement be permitted to forgo obtaining the loan or purchase agreement in return for loan deficiency payments.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Soybeans, Surety bonds, Warehouses.

Accordingly, 7 CFR part 1421 is amended as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for 7 CFR part 1421 continues as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1441z, 1444f–1, 1445b–3a, 1445b–3a, 1444c–3, 1445e, and 1446f; 15 U.S.C. 714b and 714c.

2. In § 1421.1, paragraph (c)(1) is revised as follows:

§ 1421.1 Applicability.

* * * * *

(c)(1) Price support loans, purchase agreements, and loan deficiency payments shall be available as provided in this part with regard to barley, corn, grain sorghum, oats, rye, and wheat produced in the U.S.

* * * * *

3. In § 1421.20, paragraph (d) is revised as follows:

§ 1421.20 Release of the commodity pledged as collateral for a loan.

* * * * *

(b) CCC may allow a producer to establish a loan repayment rate determined in accordance with § 1421.25 (a)(1)(ii), (b)(2), or (d)(2) on Form CCC–681–1, provided the producer complies with all terms and conditions set forth on Form CCC–681–1. If a producer fails to repay a loan within the time period prescribed by CCC in accordance with the terms and conditions of Form CCC–681–1 and the commodity pledged as collateral for such loan has been delivered to a buyer in accordance with Form CCC–681–1, Authorization for Delivery of Loan Collateral for Sale, such producer may not repay the loan at the level that is less than the loan level determined in accordance with § 1421.25 (a)(1)(ii), (b)(2), or (d)(2).

* * * * *

4. In § 1421.25:

A. Paragraphs (d) and (e) are revised,

B. Paragraph (f) is redesignated as paragraph (g) and revised, and

C. A new paragraph (f) is added as follows:

§ 1421.25 Market price repayments.

* * * * *

(d) For 1993 through 1995 crops of barley, corn, grain sorghum, oats, rye, and wheat, a producer may repay a nonrecourse loan at a level that is the lesser of:

(1) The loan level and charges, plus interest determined for such crop; or

(2) The alternative repayment rate (ARR) for barley, corn, grain sorghum, oats, rye, and wheat.

(e) The ARR for barley, corn, grain sorghum, oats, rye, and wheat will be established individually on a daily basis in each county based upon the previous day's market prices at appropriate U.S. terminal markets, as determined by CCC, adjusted to reflect quality and location.

(f) To the extent practicable, CCC shall determine and announce the repayment levels for each crop of a commodity as follows:

(1) On a weekly basis for rice and oilseeds, except soybeans, and

(2) On a daily basis for barley, corn, grain sorghum, oats, rye, soybeans, and wheat.

(g) The difference between the loan level, excluding charges and interest, and the loan repayment level is the market gain. The total amount of any market gain realized by a producer is limited in accordance with the regulations at part 1497 of this title.

* * * * *

Signed on February 26, 1993 at Washington, DC.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–4916 Filed 3–1–93; 10:58 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–58]

Virginia Electric and Power Company; Filing of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The Virginia Electric and Power Company has submitted a petition for rulemaking requesting that the Nuclear Regulatory Commission (NRC) amend its current regulations governing domestic licensing of production and utilization facilities, as necessary, to change the frequency of required emergency planning exercises to biennially instead of annually. The proposed amendment would require each licensee to conduct, at each site, an integrated exercise every 2 years and to otherwise ensure that their emergency response capabilities are maintained during the 2-year interval. The petitioner believes that the requirement for each licensee at each site to annually conduct an emergency plan exercise is but one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will provide for the health and safety of the public.

DATES: Submit comments by May 3, 1993. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. For a copy of the petition, write Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555, Telephone: (301) 492–7758 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has received a petition for rulemaking submitted by the Virginia Electric and Power Company. The petition was assigned Docket No. PRM–50–58 on December 16, 1992. The petitioner has requested that the NRC amend appendix E, section IV, F.2., to 10 CFR Part 50, "Emergency Planning and Preparedness for Production and Utilization Facilities," to change the requirement that each site exercise its emergency plan biennially rather than annually. The petitioner's proposed amendment would require each licensee to conduct a biennial integrated exercise of the emergency plan at each site and to take actions necessary to ensure that its emergency response capability is maintained during the 2-year interval. The petitioner believes that the annual graded exercise is but one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will provide for the health and safety of the public.

The petitioner quotes 10 CFR part 50, appendix E, section IV, F.2., which states that "each licensee at each site shall annually exercise its emergency plan." The petitioner contends that although not explicitly defined in the rule, this statement has been interpreted throughout the industry to require that each licensee at each site annually conduct an integrated exercise which will be evaluated by the NRC.

The petitioner indicates that regulations governing the frequency of State and local emergency planning exercises have been in place since 1984. According to the petitioner, these regulations require a biennial exercise of State and local emergency plans. Therefore, the petitioner contends that the requirement for an annual integrated exercise for the onsite organization is inconsistent and must be clarified.

The petitioner states that emergency preparedness programs throughout the industry are designed to achieve and maintain an adequate level of emergency response capability. As defined by NUREG–0654/FEMA–REP–1, Rev. 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," a joint Nuclear Regulatory Commission/Federal Emergency Management Agency (NRC/FEMA) report published in November 1980,[1] an exercise is an event that tests the integrated capability and major portions of the basic elements existing within emergency preparedness plans and organizations. The petitioner contends, therefore, that an exercise is designed to merely confirm the level of response. As confirmation, an annual exercise is not necessary to achieve the underlying intent of the rule which is to attain an acceptable level of emergency preparedness. Further, because the annual exercise is the primary mechanism presently used by the NRC to evaluate readiness, the resources dedicated to this event are naturally more focused on exercise performance than on emergency preparedness. The petitioner states that because of the effectiveness of the emergency preparedness program, the annual graded exercise merely represents a separate means for the NRC to evaluate the licensee's performance. The petitioner believes that the graded exercise has, in effect, become an end unto itself.

The petitioner states that the response of offsite response organizations during exercises performed over the past 8 years has demonstrated that a biennial frequency is sufficient to provide reasonable assurance to protect the health and safety of the public. During this time, there has been no indication of a need to increase the frequency of the demonstration. The petitioner states further that although it is recognized that the Commission retained the annual frequency requirement for licensees when it amended its regulations in 1984 to allow State and local governments to participate in emergency preparedness exercises every 2 years, the request to amend 10 CFR part 50 is implicitly supported by another part of the *Code of Federal Regulations*. The petitioner contends that regulations issued by FEMA at 44 CFR 350.9, by virtue of the stated requirements for offsite response organizations, recognize that, within the context of that regulation, the biennial conduct of an exercise is sufficient to demonstrate that protective measures can and will be taken in the event of an accident, thereby providing reasonable assurance of the health and safety of the public. Further, it is noted that provisions for giving the States and local response organizations the opportunity to participate in the licensee's drill and exercise program could be easily accommodated independent of petitioner's proposed rule change.

The petitioner states that technological advancements and applications have served to greatly enhance and automate accident assessment activities employed during an emergency response for both the licensee (through the use of Safety Parameter Display System and dose assessment computer models) and the Federal Government (through the use of the Emergency Response Data System and RASCAL, which is a computer dose assessment model). Improvements to equipment and facilities and programmatic enhancements within the nuclear emergency preparedness

[1] Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P. O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

discipline over the past decade have elevated the level of response capability throughout the industry. As evidence, the petitioner refers to the results of the Systematic Assessment of Licensee Performance (SALP) program, a mechanism employed by the NRC to assess, among other things, emergency preparedness indicators. The petitioner indicates that during the period between 1980 and 1992, the industry-averaged SALP rating for emergency preparedness improved from 2.29 to 1.26. The overall average for emergency preparedness SALP ratings for this 12-year period is 1.61.

The Petitioner

The petitioner is a U.S. commercial nuclear power reactor licensee for North Anna Power Station, Units 1 and 2, and Surry Power Station, Units 1 and 2. The petitioner states that emergency planning regulations, promulgated as a result of the March 1979 accident at Three Mile Island, govern virtually all aspects of a licensee's emergency preparedness program and that they have done much to lay the basis for a structured formal response capability. The petitioner further states that maintenance and verification of emergency response capability are accomplished through programs that ensure the adequacy and effectiveness of plans, procedures, facilities, equipment, response personnel, and performance demonstrations. The petitioner focuses the petition on the need to conduct an annual exercise to ensure the adequacy of the emergency response capability. The petition is based on the petitioner's belief that the annual exercise is only one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will protect the health and safety of the public.

The petitioner believes that the proposed amendment to 10 CFR part 50 would do nothing to undermine the provisions already in place for ensuring that identified deficiencies resulting from the conduct of an exercise are corrected. Further, both 10 CFR 50.47(b)(14) and appendix E, section IV, F.4., would remain unchanged.

Need for the Suggested Amendments

The petitioner states the current annual testing requirement of a licensee's emergency response capability exceeds the threshold needed for determining the adequacy of the level of response. Therefore, the adoption of a biennial demonstration frequency would allow an increase in cost efficiency for industry and the Federal Government. Emergency preparedness exercises conducted in 1990 and 1991 have averaged a total of approximately $20,000 per inspection in NRC fees for the Virginia Electric and Power Company. The petitioner estimates that each exercise costs approximately $200,000 in resource commitments for the company. The approximately 450 personnel required for each exercise could be more effectively utilized in their normal function rather than by participating in an unneeded test of response capability.

Furthermore, the petitioner states that, based on experience, approximately 750 staff hours are expended during the development of an exercise scenario. Emergency planning resources, therefore, could be more effectively applied to the development and maintenance of emergency preparedness activities rather than exercise demonstration activities such as exercise scenario development, controller organization preparations, organizational impact evaluation, and facility availability determination (e.g., control room simulator time).

The petitioner characterizes the present requirement as one that is resource intensive but of marginal importance to safety. The petitioner has identified a number of issues associated with the current requirement to conduct an emergency plan exercise annually as grounds for change. The issues are as follows:

(1) The requirement to conduct an integrated annual exercise is not clearly defined; therefore the regulation should be clarified.

(2) The existing regulation, 10 CFR part 50, appendix E, is inconsistent with other regulations that govern the frequency of offsite response organization integrated exercises (i.e., 44 CFR part 350).

(3) The performance of offsite response organizations during biennial exercises has confirmed that a biennial frequency is sufficient to provide the reasonable assurance finding.

(4) The existing regulation, 10 CFR 50.54(t), provides for an independent review of the adequacy of program implementation.

(5) The existing requirement to conduct an annual exercise is not necessary to achieve the underlying purpose of the rule. A biennial exercise is sufficient to provide an acceptable formal confirmation of capability.

(6) Reconsideration of the requirement is warranted in light of the completion and implementation of enhanced emergency preparedness facilities, the current level of industry proficiency and performance, and the increased industry sensitivity to emergency preparedness.

(7) Personnel could be more effectively utilized in their normal professional function rather than by participating in a resource-intensive integrated test that only serves to confirm the already existing level of the response capability.

(8) Emergency planning resources could be more effectively utilized to further the development and maintenance of emergency preparedness activities.

The Solution

The petitioner requests that the NRC amend its regulations governing domestic licensing of production and utilization facilities, as necessary, to change the requirement that each licensee exercise its emergency plans for each site biennially rather than annually and to otherwise ensure that its emergency response capability is maintained during the 2-year interval. The petitioner requests that the NRC modify the existing regulation to provide greater clarification by explicitly defining the requirement.

The Petitioner's Suggested Amendments

Petitioner requests that the NRC—

1. Amend Section IV, paragraph F.2., of Appendix E to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to read as follows:

"Each licensee at each site shall conduct an integrated exercise every 2 years. The licensee shall take actions necessary to ensure the emergency response capabilities are maintained during the 2-year interval."

2. Amend Section IV, paragraph F.3.(f), of Appendix E to 10 CFR Part 50 to read as follows:

"Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in exercises when requested by such State or local government."

3. Revise Section IV, paragraph F.2., of Appendix E to 10 CFR Part 50 to provide greater clarification regardless of any action taken to amend the existing rule. Although not explicitly defined in the regulation, it has been interpreted throughout the industry that the regulation requires each licensee to annually conduct, at each site, an integrated exercise that will be evaluated by the NRC.

Requests for Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing discussion.

Dated at Rockville, Maryland, this 26th day of February 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–4943 Filed 3–3–93; 8:45 am]

BILLING CODE 7590-01-P

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10 CFR Part 60

[Docket No. PRM–60–4]

States of Washington and Oregon: Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–60–4), submitted by the States of Washington and Oregon, which deals with the process and criteria for classifying radioactive waste materials at defense facilities as high-level radioactive waste (HLW) or as non-HLW. (As noted in the petition, certain facilities for the storage of HLW are subject to NRC licensing authority.) The petition is being denied because the NRC concludes that the principles for waste classification are well established and can be applied on a case-by-case basis without revision to the regulations.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Naiem S. Tanious, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3878.

SUPPLEMENTARY INFORMATION:

I. The Petition

The States of Washington and Oregon, and the Yakima Indian Nation, initially submitted a petition for rulemaking on this subject on January 2, 1990. On February 7, 1990, the NRC staff conferred with the petitioners as contemplated by paragraph (b) of 10 CFR 2.802. In response to suggestions by the NRC staff, the petition was clarified and resubmitted (by the States of Washington and Oregon) on July 27, 1990.

On December 17, 1990, the Nuclear Regulatory Commission published a notice of receipt of the petition for rulemaking (55 FR 51732). The petition requested that the Commission revise the definition of "high-level radioactive waste" (HLW) so as to establish a procedural framework and substantive standards by which the Commission will determine whether reprocessing waste, including in particular certain waste stored at the U.S. Department of Energy's (DOE) site at Hanford, Washington, is HLW and, therefore, subject to the Commission's licensing authority.

The petitioners request that the Commission amend 10 CFR 60.2 to clarify the definition of HLW and the definition of "HLW facility." The petitioners specifically request that the Commission:

1. Establish a process to evaluate the treatment of defense reprocessing wastes in tanks so that such wastes will not be considered HLW if, prior to disposal, each tank is treated to remove the largest technically achievable amount of radioactivity; and

2. Require that the heat produced by residual radionuclides, together with the heat of reaction during grout processing (if employed as a treatment technology), will be within limits established to ensure that grout meets temperature requirements for long-term stability for low-level waste forms.

The petitioners state that the petition for rulemaking is based, in part, on Section 202 of the Energy Reorganization Act of 1974 (ERA), which provides for the Commission to exercise licensing and related regulatory authority over "facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive wastes generated by [DOE] which are not used for, or are part of, research and development activities."

According to the petitioners, the legislative history of the ERA reveals that Congress intended the Commission to license defense reprocessing tank wastes at the point of long-term storage or disposal. The petitioners note that "low-fraction wastes" resulting from pretreatment of tank wastes are scheduled to be grouted and disposed of in land-based grout vaults on the Hanford site in accordance with regulations developed under the Resource Conservation and Recovery Act (RCRA). The petitioners believe that if these wastes are HLW, they clearly fall under the Commission's licensing jurisdiction under Section 202(4) of the Energy Reorganization Act of 1974 (42 U.S.C. 5842(4)).

The petitioners acknowledge that the present definition of HLW in the Commission's regulations is based upon the source of the waste, and that "incidental waste" generated in the course of reprocessing is not HLW. (The latter point is evident from the proposal to amend 10 CFR 60.2 to provide that a residual fraction would be "considered an incidental waste and, therefore, not HLW.") The petitioners claim, however, that wastes stored in tanks at Hanford cannot practicably be classified as incidental waste (as opposed to HLW) because the tanks contain a mixture of wastes from a number of sources, including reprocessing of reactor fuel. Moreover, the petitioners state that radionuclide inventories are estimates subject to substantial uncertainty, owing to lack of accurate records. Further, the petitioners assert that neither DOE, the Commission, nor the petitioners have adequate information regarding the source and composition of the tank waste. Hence, the petitioners believe that the Commission needs to establish both a procedure and a standard for making an evaluation as to whether wastes are HLW on a tank-by-tank basis.

The petitioners assert that the proposed amendment is essential to provide protection of the future health and safety of the citizens of the Pacific Northwest.

II. Classification of DOE Reprocessing Wastes

At Hanford and other sites, questions have arisen regarding the classification of reprocessing wastes for which DOE must provide disposal. In the long-standing view of the Commission, these questions must be resolved by examining the source of the wastes in question. The reason for this is that when Congress assigned to NRC the licensing authority over certain DOE facilities for "high-level radioactive wastes," the Congress was referring to those materials encompassed within the meaning of the term "high-level radioactive waste" in Appendix F of 10 CFR Part 50. (For a full statement of this position, see the discussion presented in the Commission's advance notice of proposed rulemaking, "Definition of High-Level Radioactive Waste" (52 FR 5993, February 27, 1987).) Accordingly, any facility to be used for the disposal of "those aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent . . ." as HLW is defined in Appendix F to Part 50, must be licensed by the NRC. Most of the waste storage tanks at Savannah River (South Carolina), West Valley (New York), and Hanford contain wastes that meet this definition, and the facilities to be used for disposal of these wastes are, therefore, potentially subject to NRC licensing jurisdiction.

However, when the Appendix F definition was promulgated, the Atomic Energy Commission specifically noted that the term HLW did not include "incidental" waste resulting from reprocessing plant operations, such as ion exchange beds, sludges, and contaminated laboratory items, such as clothing, tools, and equipment. Neither were radioactive hulls and other irradiated and contaminated fuel structural hardware encompassed by the Appendix F definition. Under the same reasoning, as the Commission has previously indicated, incidental wastes generated in further treatment of HLW (e.g., salt residues or miscellaneous trash from waste glass processing) would be outside the Appendix F definition.

In the cases of Savannah River and West Valley wastes, DOE plans to retrieve the wastes from their storage tanks and to separate essentially all of the radioactive materials for eventual disposal in a deep-geologic HLW repository.[1] Accordingly, the projected recovery of HLW from the wastes in tank storage at those sites will be sufficiently complete that the decontaminated salts and other residual wastes are classified as "incidental" (i.e., non-HLW). The NRC will have no regulatory authority, under Section 202 of the Energy Reorganization Act, over DOE's facilities to be used for processing and disposal of the incidental waste.

At Hanford, DOE plans to process the wastes presently stored in double-shell tanks in a manner similar to that planned for the wastes at Savannah River and West Valley. Such processing would separate most of the radioactive constituents of the wastes for eventual deep-geologic repository disposal and, the residual salts would be disposed of onsite in a shallow, near-surface concrete-like grout facility. (Plans for processing of single-shell tank wastes have been deferred.) However, classification of the Hanford double-shell tank wastes has proven more difficult than classification of Savannah River and West Valley wastes. At Hanford, many of the primary reprocessing wastes were generated using older separation technologies, which resulted in substantial dilution of those wastes with nonradioactive materials. In addition, many of the tanks at Hanford contain mixtures of wastes from both reprocessing sources and other sources. Finally, recordkeeping at Hanford was not always thorough enough to allow precise determinations of the origins of the wastes now present in specific tanks at Hanford. For these reasons, some of the Hanford tank wastes cannot be readily classified as either HLW or incidental wastes using only the definitions and concepts discussed above.

Taking into account these uncertainties and their implications with respect to NRC jurisdiction, the NRC and DOE staff held several meetings to explore the situation in detail. A principal objective of these meetings was to ascertain, to the extent practicable, whether some or all of the wastes should be regarded as HLW and whether, on the other hand, some or all of the wastes should be classified as non-HLW. Several things became clear as a result of these meetings.

First, management records were adequate for DOE to determine that two double-shell waste tanks do not contain wastes from reprocessing of reactor fuels. Therefore, these wastes clearly do not contain HLW within the Appendix F definition. The NRC agreed with DOE that any disposal facility intended exclusively for these wastes would not be subject to NRC licensing authority.

Second, DOE has carried out a "material balance" analysis of waste management activities at Hanford. This analysis estimated the total amount of "first cycle reprocessing wastes" generated at Hanford and, to the extent practical, the current location of those wastes. The DOE proposed onsite grout disposal of the residual waste from the double-shell tank waste processing would be only a small fraction of the reprocessing wastes originally generated at the site.

Finally, DOE studied possible technologies for additional waste processing, and agreed to remove the largest practical amount of radioactive material from double-shell tank wastes prior to disposal in onsite grout facilities. This commitment by DOE, coupled with the material-balance study indicating that most of the originally-generated radioactive material would be recovered, led the NRC staff to conclude that the residual waste material should be classified as incidental waste, since they are wastes incidental to the process of recovering HLW. With this classification, DOE could proceed with onsite disposal of such incidental wastes in a grout facility without licensing by the NRC. It should be noted that if the DOE processing operations go as planned, the residual activity of these incidental wastes would be below the concentration limits for Class C wastes under the waste classification criteria of 10 CFR part 61.

Following its review, the NRC staff, by letter dated September 25, 1989, from R.M. Bernero, Director, Office of Nuclear Material Safety and Safeguards, NRC, to A.J. Rizzo, Assistant Manager for Operations, Richland Operations Office, DOE, endorsed DOE's plans to sample and analyze the grout feeds before disposal in an effort to control the final composition of the grout feed. However, the staff indicated that if DOE were to find, in the course of conducting the sampling program, that the inventories of key radionuclides entering the grout facility are significantly higher than previously estimated, DOE should notify the NRC and other affected parties in a timely manner.

It should be noted that the appropriate classification of some Hanford wastes remains to be determined—specifically, any single-shell tank wastes, and any empty but still contaminated waste tanks DOE might dispose of in-place. For both types of wastes, a case-by-case determination of the appropriate waste classification might be necessary.

III. Discussion

The petition for rulemaking presents two basic issues. The question is not whether "high-level waste" should be interpreted by reference to the source-based concepts derived from appendix F to 10 CFR part 50. The petitioners agree that this is proper. Nor is there any fundamental challenge to the concept that "incidental wastes" are excluded from the definition of "high-level waste." The issues are much narrower ones. The first issue is a substantive one—the criteria to be applied in differentiating incidental waste from high-level waste. The second issue is a procedural one—the process that should be employed by the Commission in arriving at a judgment whether or not it has jurisdiction over particular facilities. These will be addressed in turn.

A. The Standard for Classification

We first address the standard that should be employed in distinguishing high-level waste from incidental waste. In doing so, we strive to apply the policies that underlie the adoption of appendix F to 10 CFR part 50 (and, hence, section 202 of the Energy Reorganization Act).

[1] See 52 FR 5992, February 27, 1987 (definition of "high-level waste"), n. 1, where the Commission characterizes as "incidental waste," the decontaminated salt with residual activities on the order of 1,500 nCi/g Cs-137, 30 nCi/g Sr-90, 2 nCi/g Pu, as described in the Department of Energy's FEIS on long-term management of defense HLW at the Savannah River Plant, DOE/EIS-0023, 1979. Although an EIS has not yet been published for the West Valley Demonstration Project, preliminary estimates indicate the likelihood of an equivalent degree of separation.

The petitioners suggest that the proper standard, to be applied on a tank-by-tank basis, is to consider all processing streams to be high-level waste unless they have been treated, prior to disposal, "to remove the largest technically achievable amount of radioactivity." Adoption of such a criterion would certainly serve the goal, which had been contemplated by the Commission, of removing the hazardous process streams to a geologic repository for permanent storage. It is not the only standard, however, that would suffice for this purpose, particularly when it is viewed in a broader regulatory context.

The clearest expression of the overall regulatory objectives is the Atomic Energy Commission's (AEC's) explanatory statement when it promulgated appendix F—namely, "that the public interest requires that a high degree of decontamination capability be included in such facilities and that any residual radioactive contamination after decommissioning be sufficiently low as not to represent a hazard to the public health and safety." 35 FR 17530, November 14, 1970. As we read the AEC's intent, the reference to "a high degree of decontamination capability" leaves a substantial degree of discretion. It certainly does not rule out consideration of economic factors as well as technical ones. It was the AEC's contemporaneous practice to consider financial impacts as, for example, in controlling releases of radioactive materials from licensed facilities to the lowest levels "technically and economically practical." AEC Manual Chapter 0511. When the AEC spoke of a "high degree" of decontamination capability, we believe that it was guided by similar considerations. Moreover, from a policy standpoint, this makes good sense, for so long as there is adequate protection of public health and safety, it would not be prudent to expend potentially vast sums without a commensurate expectation of benefit to health and the environment.

Achieving a "high degree of decontamination capability" implies, then, that the facility should separate for disposal as much of the radioactivity as possible, using processes that are technically and economically practical. In addition, however, as the AEC's statement indicates, the residual radioactive contamination should be sufficiently low as not to endanger public health and safety.

These principles—high decontamination capability and protection of health and safety—are the essential benchmarks that have influenced the development of NRC's position vis-a-vis DOE on the question of the proper classification of the tank wastes and grout at Hanford.

When the question regarding classification of wastes was first raised, the NRC staff identified to DOE some approaches that might be used in distinguishing HLW from incidental waste. One approach was expressed as follows:[2]

As an alternative approach, we suggest that DOE attempt an overall material balance for HLW at the Hanford site, using the source-based meaning of HLW. It is hoped that this approach might provide a more efficient means of identifying those wastes subject to licensing by NRC under terms of the 1974 Energy Reorganization Act. Under this approach, if DOE could demonstrate that the largest practical amount of the total site activity attributable to "first-cycle solvent extraction" wastes has been segregated for disposal as HLW, then NRC would view the residual as a non-HLW. We would anticipate that at least 90 percent of the activity would have been separated in this way. Thus, if it can be shown that DOE has processed the waste with the intent to dispose of the HLW in a repository or other appropriate licensed facility, leaving behind only a small fraction of only moderately radioactive material, then the goals stated in 10 CFR part 50 appendix F and incorporated in the Energy Reorganization Act would have been satisfied; and the disposal of the residual would accordingly not be subject to NRC licensing.

In response, DOE considered the practicality of various waste processing alternatives and presented the results of its study by letter dated March 6, 1989.[3] The results were also presented at a meeting among interested parties, including the petitioners, held on August 4, 1989. (Minutes of the meeting are available for public inspection in the NRC Public Document Room) DOE's "baseline" disposal plans would have recovered all but about 12–13 million curies of cesium-137, together with lesser activities of strontium-90, transuranics, and other radionuclides.[4] DOE's study indicated the practicality of removing an additional 6 million curies of cesium-137 for repository disposal. DOE proposed to remove this additional 6 million curies of cesium-137. DOE also identified additional treatment alternatives, with their associated costs, which it viewed as not being economically practical. DOE's material balance showed that, after the residue from the double-shell tank wastes is grouted, 2 to 3 percent of the key radionuclides which originally entered all Hanford tanks would be disposed of as LLW in near-surface vaults. The concentrations of radionuclides in the grout would be comparable to Class C for cesium and transuranic wastes, and to Class A or B for the remainder.[5] DOE also noted certain engineering and institutional factors that might compensate, especially as to potential intrusion hazards, for the possibility that the total amount of waste that would be grouted would be greater than the amount of Class C waste that might be contained in a typical commercial burial ground.

Based on its review of DOE's March 6, 1989 submission, the NRC staff concluded that DOE's proposed processing would remove the largest practical amount of total site activity, attributable to HLW, for disposal in a deep geologic repository. This finding was based on: (1) Past and planned treatment of the tank wastes; (2) radionuclide concentration and material balance; and (3) cost-effectiveness of additional radionuclide removal. These conclusions reflected DOE's undertakings both to achieve a high degree of separation and to provide protection of public health and safety. As a result, the staff concluded that the expected residual waste would not be high-level waste and would thus not be subject to NRC licensing authority. The staff thereupon advised DOE that NRC agreed that the criteria used by DOE for classification of the grout feed are appropriate and that the grout facility for the disposal of the double-shell tank waste would not be subject to NRC licensing authority.[6]

[2] Letter from Michael J. Bell, Chief, Regulatory Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, NRC, to Ronald E. Gerton, Director, Waste Management Division, Richland Operations Office, DOE, November 29, 1988. The letter included some "suggested criteria" involving a "good faith" effort to achieve isolation of HLW from nonradioactive salts, such an effort to be judged, as a practical matter, by considering (among other things) alternative separation processes.

[3] Letter from A. J. Rizzo, Assistant Manager for Operations, Richland Operations Office, DOE, to Robert M. Bernero, Director, Office of Nuclear Materials Safety and Safeguards, NRC, March 6, 1989.

[4] DOE noted in the March 6, 1989 letter from Rizzo to Bernero that, based on limited available analytical data, the total cesium-137 could be as much as 20 million curies versus the 12–13 million estimate.

[5] NRC understood this statement to connote that cesium-137 and transuranic radionuclides in the residual waste would be less than the concentration limits for Class C low-level waste, as defined in NRC's requirements in 10 CFR Part 61, and that the concentration of other radionuclides would be less than the concentration limits for Class A or B low-level waste.

[6] Letter from Robert M. Bernero, Director, Office of Nuclear Material Safety and Safeguards, NRC, to A. J. Rizzo, Assistant Manager for Operations, Richland Operations Office, DOE, September 25, 1989. The letter also called upon DOE to advise NRC periodically of the analytical results of samples of key radionuclides entering the grout facility, so that the classification of the waste might be reconsidered if the inventories were significantly higher than DOE had estimated.

At a meeting in Richland, Washington on July 16, 1992, DOE staff presented more detailed double-shell tank waste processing options and, based on recent analyses, summarized available information on the characteristics of waste within the tanks. DOE's current estimate of the total amount of radioactivity proposed for disposal in grout in near-surface vaults is within earlier range estimates but is now believed to be nearer the upper end of the range. DOE also clarified its intention to apply criteria comparable to the Performance Objectives set out in 10 CFR part 61. Among other things, these performance objectives include numerical radiation exposure limits for protection of the general population from releases of radioactivity and requires a design to achieve long-term stability of the disposal site.

DOE intends to complete a reassessment of the tank waste processing options by March 1993. This reassessment, the NRC staff understands, will include a reexamination of the practicality of achieving higher degrees of separation, particularly with respect to those tanks that contain substantial quantities of key radionuclides.

Assuming implementation of DOE's plans as described above, the Commission concludes that any radioactive material from the double shell tanks that is deposited in the grout facility would not be high-level radioactive waste subject to NRC's licensing jurisdiction. The responsibility for safely managing those wastes rests with the Department of Energy. The basis for the Commission's conclusion is that the reprocessing wastes disposed of in the grout facility would be "incidental" wastes because of DOE's assurances that they: (1) Have been processed (or will be further processed) to remove key radionuclides to the maximum extent that is technically and economically practical; (2) will be incorporated in a solid physical form at a concentration that does not exceed the applicable concentration limits for Class C low-level waste as set out in 10 CFR part 61; and (3) are to be managed, pursuant to the Atomic Energy Act, so that safety requirements comparable to the performance objectives set out in 10 CFR part 61 are satisfied.

The petitioners also requested that the Commission exercise oversight to assure that the grout meets temperature requirements for low-level waste forms. They acknowledge that DOE's vault design is protective of human health and the environment if heat produced by residual radioactivity, together with heat generated from reactions during the grout process, is kept within defined limits. They present no technical data to suggest that achievement of these temperature controls presents any unusual engineering challenge. In any event, inasmuch as the Commission does not consider the grout produced in accordance with DOE's plans to be high-level waste, it does not have the authority to carry out this oversight function.

B. Procedural Issues

1. Whether Rulemaking Is Necessary and Desirable

The petitioners urge that the Commission initiate rulemaking procedures that would result in the establishment of substantive criteria for determining whether particular radioactive wastes either are or are not high-level waste. Generally, a decision whether to proceed by rulemaking (as requested) or to make determinations in individual, *ad hoc* litigation lies within the informed discretion of the cognizant administrative agency. Rulemaking is most appropriate where an agency seeks to establish a general principle, having prospective effect, to be applied in a wide variety of factual contexts. Where the issue before an agency involves the application of law to a very specific existing fact situation, especially where that situation is not representative of other matters that may need to be decided by the agency, then it is clearly more efficient and more to the point to decide by a process of adjudication (i.e., on a case-by-case basis).

Applying these principles to the petition at hand, the Commission has little difficulty in concluding that rulemaking is neither necessary nor desirable. Reprocessing wastes are located at only four principal locations in the United States. The Commission has previously determined that the residual contamination anticipated from proposed operations at Savannah River should be characterized as incidental waste and not high-level waste (see 52 FR 5993, Feb. 27, 1987, cited above, at footnote 1.) Wastes generated at the Idaho Chemical Processing Plant are markedly different from those at Hanford and Savannah. Therefore, if questions about classification of the Idaho wastes should arise, precedents established at Savannah River and Hanford might be difficult to apply. Any wastes at the Western New York Nuclear Service Center will require treatment in accordance with the applicable provisions of the West Valley Demonstration Project Act.

The limited practical effect of the decision—i.e., restricted to the Hanford tanks—is reason enough to proceed by way of adjudication instead of rulemaking. The Commission is persuaded further by the need to avoid making premature decisions with respect to the wastes stored at Hanford in single-shell tanks that are not the subject of pending treatment plans. If the Commission were to establish rules to apply to the wastes remaining in those tanks, our inquiry would have to be greatly broadened; and it might become necessary to consider a wide range of situations that might or might not ever come to pass in the future.

2. Whether the Commission Is Adequately Informed

Petitioners suggest that their proposed procedures, which include detailed tank-by-tank assessments, are necessary to ensure confidence in the treatment process employed by DOE and to build confidence that the treatment standard is being met.

The issue to be decided by the Commission is a much narrower one: It is merely to determine whether the activities being undertaken by the Department of Energy fall within the NRC's statutory jurisdiction. As in the case of other persons whose activities may fall within our regulatory sphere, the Commission may from time to time demand information so as to be able to determine whether or not to initiate an enforcement action. The NRC staff has acted in this manner in its inquiries to DOE. It has obtained and evaluated information that is relevant and material to a determination whether or not the proposed activities of the DOE are subject to NRC licensing jurisdiction. All the information obtained and evaluated has been made available contemporaneously to the public.

Moreover, as a practical matter, NRC recognized the uncertainties associated with the projected radionuclide inventories in the tank wastes and endorsed DOE plans for sampling and analyzing the grout feeds before disposal. The objective of these efforts is to control the final composition of the grout wastes. If DOE finds that it can no longer assure that these wastes will be managed in accordance with the criteria previously discussed, DOE should notify NRC.

If a standard of "largest technically achievable amount * * * will be isolated" were to be applied, then the facts submitted by DOE might not be sufficient to conclude that NRC lacked jurisdiction. However, the proper standard includes considerations of economical practicality as well. As

indicated in an earlier part of this decision, the Commission has obtained information that is sufficient for this purpose.

3. Future Adjudications

The petitioners contemplate that if a rule were to be adopted in accordance with their proposal, particular determinations of how specific wastes would be characterized would be "left to individual adjudicative proceedings." The NRC infers that the "proceedings" contemplated by petitioners are licensing activities of the kinds specified in Section 189 of the Atomic Energy Act, as amended, 42 U.S.C. 2239. Adjudications in this type of proceeding are in some cases to be conducted in accordance with the hearing provisions of subpart L of 10 CFR part 2.

These procedures are often appropriate with respect to activities that are subject to NRC regulatory and licensing authority. However, the NRC is reluctant to employ them in the context that is proposed—to determine whether NRC has jurisdiction in the first place. To do so would entail the conduct of an adjudicatory proceeding in order to see whether another adjudicatory licensing proceeding must be held. More importantly, the Commission considers that the existing record contains all the factual information needed for a decision and that no unresolved material factual issues remain that would require further proceedings.

4. Other Considerations

While both NRC and DOE have focused their attention upon the meaning of the statutory term "high-level waste" and its application to the materials in storage at Hanford, other considerations might come into play in determining whether or not DOE activities are subject to licensing. In particular, it should be recalled that NRC exercises licensing authority under section 202(4) only as to "facilities authorized for the express purpose of subsequent long-term storage of [DOE-generated] high-level waste." The content of individual waste tanks is by no means dispositive of the question whether the facilities for storage of the treated waste are subject to licensing. A number of other factors may be relevant and material as well: (1) What are the limits, geographically and functionally, of "facilities"; (2) have those facilities been "authorized" (and by whom is such authorization required); and (3) have those facilities been authorized "for the express purpose of subsequent long-term storage of high-level waste" where those who may authorize the facility make no express mention of high-level waste? It is not necessary for the Commission to address these questions at length in order to dispose of the pending petition.

IV. Public Comments on the Petition

The NRC received letters from 12 commenters. Two letters were from other Federal agencies, two were from public interest groups, one was from a nuclear industry corporation, and seven were from private individuals. Most comments were opposed to the petition.

A. Process and Standards Proposed in Petition

Several comments expressed concern that granting the petition would have an adverse effect on the timely disposal of radioactive waste at Hanford. This was a concern because many of the Hanford waste tanks were seen as nearing or exceeding their design life. The provisions of the rulemaking proposed in the petition were viewed as limiting DOE's flexibility in selecting the most effective processes for waste treatment and disposal. The petitioner's request that "best available technology" be used in removing HLW material from the tank wastes was seen as ignoring costs of disposal, exposures to workers, and environmental impacts.

Some comments disputed the petitioner's claim that the rulemaking proposed in the petition would offer a better process for classification and disposal of the Hanford tank wastes. These commenters did not see any advantage in the proposed process over the process for classification and disposal currently in use. One comment suggested that the Commission's rulemaking requiring disposal of Greater-than-Class C waste in a geologic repository or Commission-approved alternative (53 FR 17710, May 19, 1989) might force DOE to allocate resources to handle the hazards, rather than to waste further time fruitlessly searching for ways to remove more and more activity from one part of the waste. The action proposed by the petitioners was viewed as not increasing the safety of disposal of the waste.

The Commission believes that adherence to the standard of technical and economic practicality generally reflects agreement with these comments.

B. Creation of a Risk-Based Classification System

Several comments, while noting that the rulemaking proposed by the petition would not do so, favored creation of a risk-based system of radioactive waste classification.

The Commission has previously addressed the costs and benefits of creating a new system of radioactive waste classification. Its rationale for not doing so is outlined in the statement of considerations to the proposed part 61 rulemaking on disposal of Greater-than Class C waste (53 FR 17709, May 18, 1988). Further consideration of these issues is beyond the scope of this proposed rulemaking action.

C. NRC Licensing Authority

Some comments focused on the licensing authority of NRC over the Hanford tank wastes. DOE stated that the rulemaking suggested in the petition would involve NRC in regulation of DOE's predisposal waste treatment and processing activities, which would be inconsistent with NRC authority to license specific DOE facilities under the Energy Reorganization Act of 1974. Another commenter stated that the proposed rulemaking was inconsistent with the statutory responsibilities of DOE and NRC. These arguments have already been discussed, and require no further response. It may be emphasized, however, that even if the Commission were found to have jurisdiction over the disposal facilities, it would not regulate either the tanks themselves or the facilities being used to process the wastes in these tanks; and there is reason for concern that implementation of the petitioner's proposal might draw the Commission improperly into regulation of those facilities.

A commenter concluded that DOE was currently in violation of 10 CFR part 30 requirements for a license because various near-surface waste disposal facilities at Hanford are being used for "long-term storage" of high-level radioactive waste. The issue is not pertinent to the subject matter of the petition. However, in any case, the comment does not take into consideration the judicial interpretation of the term in *Natural Resources Defense Council, Inc.* v. *U.S. Nuclear Regulatory Commission*, 606 F.2d 1261 (D.C. Cir., 1979). The D.C. Circuit Court of Appeals ruled in this case in support of NRC's position that the tanks have not been authorized for use as long-term storage or disposal and are, therefore, not subject to NRC licensing.

D. Public Input

A number of comments stressed the importance of adequate public input into decision making regarding disposal of the Hanford tank wastes. Some called for public hearings on this subject to be held in the Pacific Northwest. One commenter noted that the EIS which was done for Hanford provided the

opportunity for public comment. Another commenter believed that the Commission's rulemaking procedures did not offer the public a better opportunity for input than does the current licensing procedure.

As indicated in the Discussion above, the NRC's review of the situation with respect to the double-walled tanks has been carried out publicly from the start. Meetings with DOE have been open, and at least one of the petitioners (the State of Washington) has been provided advance notice and an opportunity to attend. Documents have been placed in the Public Document Room and have been made available for public inspection. It appears to the Commission that the essence of the issue concerns the appropriate standard for evaluating whether certain wastes should be regarded as high-level waste or not. Sufficient factual information is available to carry out these evaluations. Also, the petition for rulemaking has afforded an opportunity for views to be expressed with respect to the appropriateness of the standard.

A decision that NRC lacks licensing jurisdiction does not mean that opportunities for public input will be denied. As DOE undertakes its waste management activities, it will afford opportunities for public participation to the extent required by its own enabling statutes, regulations, and orders.

E. Other Comments

One commenter took exception to the petitioner's claim that the radioactive inventory of the Hanford tank wastes was inadequately known. The commenter believed that the contents of the tanks can be bounded well enough to judge the relative safety of various disposal options.

The Commission considers the available information to be sufficiently bounded to enable it to conclude that DOE's proposed operations (with respect to the material stored in the double-shell tanks) can result in the removal from the Hanford double-shell tanks of as much of the radioactive waste as may be technically and economically practical, and that the applicable regulatory objectives have been satisfied. Once these judgments are made, it is not the NRC's role to judge the relative safety of various disposal options, and we decline to do so.

One comment stated that while the petition was aimed solely at the Hanford tank wastes, its provisions could potentially affect all radioactive wastes from reprocessing, including those at Savannah River, West Valley, and the Idaho National Engineering Laboratory. As the waste management programs at these other sites are in different stages of implementation, the impacts of the provisions would vary from site to site. As indicated above, the Commission is sensitive to this consideration yet believes that the specific case at hand only needs to be addressed at this time.

Some comments urged the Commission not to change the present definition of HLW. The Commission is not changing the present definition.

V. Conclusion

For the reasons presented in this document, the petition for rulemaking is denied.

Dated at Rockville, Maryland this 26th day of February, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–4944 Filed 3–3–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–05–AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires repetitive inspections of the wing main tank float switch electrical conduits for trapped water, and removal of the water, if found. This action would require installation of grease in the interior of the float switch conduits, which would terminate the requirement for repetitive inspections of the conduits. This action would also expand the applicability of the rule. This proposal is prompted by the development of a modification that would preclude the possibility for water to accumulate in the conduits. The actions specified by the proposed AD are intended to prevent fuel leakage from the wing main tanks, which could propagate down the wing leading edge cavity, on to the respective engine tail pipe, and cause an external fire under the wing.

DATES: Comments must be received by April 27, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen Bray, Aerospace Engineer, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2681; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–05–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate,

ANM–103, Attention: Rules Docket No. 93–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On September 12, 1991, the FAA issued AD 91–20–11, Amendment 39–8045 (56 FR 50042, October 3, 1991), to require repetitive inspections of the wing main tank float switch electrical conduits for trapped water, and removal of the water, if found. That action was prompted by several incidents of failure of the wing main tank float switch electrical conduits. The requirements of that AD are intended to prevent fuel leakage from the wing main tanks, which could propagate down the wing leading edge cavity, on to the respective engine tail pipe, and cause an external fire under the wing.

Since the issuance of that AD, the manufacturer has developed a modification, which would terminate the requirement for repetitive inspections of the wing main tank float switch electrical conduits required by AD 91–20–11. This modification would eliminate the possibility for water to accumulate in the conduits by installing grease, which is insoluble in fuel, in the airspace of the conduits.

The FAA has reviewed and approved Boeing Service Letter 737–SL–28–42, dated December 15, 1992, that describes procedures for the installation of grease in the interior of the float switch conduits. The manufacturer has accomplished this procedure, prior to delivery, on airplanes having line positions 2429 and subsequent. This service letter also adds airplanes to the effectivity; these additional airplanes have been identified as subject to the same unsafe condition as those airplanes listed in the effectivity of the service letter issued previously.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91–20–11 to require installation of grease in the interior of the float switch conduits, which would terminate the requirement for repetitive inspections of the wing main tank float switch electrical conduits for trapped water. This action would also add airplanes to the applicability of the rule. The installation of grease would be required to be accomplished in accordance with the service letter described previously.

There are approximately 2,132 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 799 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S.operators is estimated to be $131,835, or $165 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8045 (56 FR 50042, October 3, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 93–NM–05–AD. Supersedes AD 91–20–11, Amendment 39–8045.

Applicability: Model 737–300, –400, and –500 series airplanes, line positions through 2428, inclusive; and Model 737–200 series airplanes, equipped with DC powered fuel tank float switches; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the wing main tank float switch electrical conduits and subsequent fuel leakage resulting in an engine tail pipe fire, accomplish the following:

(a) For airplanes listed in Boeing Service Letter 737–SL–28–36, dated November 30, 1990: Within 90 days after November 7, 1991 (the effective date of AD 91–20–11, Amendment 39–8045), and thereafter at intervals not to exceed 1,500 flight hours, perform an inspection of the wing main tank float switch electrical conduits for fuel leakage and condensation build-up, in accordance with Boeing Service Letter 737–SL–28–36, dated November 30, 1990. If evidence of fuel leakage and/or water condensation is found while performing the initial or repetitive inspections, prior to further flight, purge and install a new vapor seal assembly in accordance with the Boeing service letter.

Note: The installation of a new vapor seal assembly does not terminate the requirement for the 1,500 flight hour repetitive inspection.

(b) For airplanes listed in Boeing Service Letter 737–SL–28–42, dated December 15, 1992, that are not subject to paragraph (a) of this AD: Within 90 days after the effective date of this AD, and thereafter at intervals not to exceed 1,500 flight hours, perform an inspection of the wing main tank float switch electrical conduits for fuel leakage and condensation build-up, in accordance with Boeing Service Letter. 737–SL–28–36, dated November 30, 1990. If evidence of fuel leakage and/or water condensation is found while performing the initial or repetitive inspections, prior to further flight, purge and install a new vapor seal assembly in accordance with the Boeing service letter.

Note: The installation of a new vapor seal assembly does not terminate the requirement for the 1,500 flight hour repetitive inspection.

(c) Within 3 years after the effective date of this AD, install grease in the interior of the wing main tank float switch electrical conduits in accordance with Boeing Service Letter 737–SL–28–42, dated December 15, 1992. Installation of grease in the conduits constitutes terminating action for the inspections required by paragraph (a) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 26, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4919 Filed 3–3–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–157–AD]

Airworthiness Directives; de Havilland, Inc., Model DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–7 series airplanes. This proposal would require a one-time inspection to assess the adequacy of the clearance between the wing forward pick-up adapter plate and the seal retaining angle on the fuselage side access panel, and modification, if necessary; and a one-time inspection to assess the adequacy of the clearance between the wing rear mounting adapter plates and the seal retaining angle on the fuselage side access panel, and modification, if necessary. This proposal is prompted by reports of incidents involving corrosion and fatigue cracking in commuter-class airplanes that are approaching or have exceeded their economic design goal. These incidents have jeopardized the airworthiness of the affected airplanes. The actions specified by the proposed AD are intended to prevent degradation of the structural capabilities of the affected airplanes.

DATES: Comments must be received by April 27, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–157–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from de Havilland Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Sol Maroof, Aerospace Engineer, Airframe Branch, ANE–172, FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791–6220; fax (516) 791–9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–157–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–157–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In June 1988, the FAA sponsored a conference on aging airplane issues, which was attended by representatives of the aviation industry from around the world. It became obvious that, because of the tremendous increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes rather than retiring them, increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The FAA, in concert with the Regional Airline Association (RAA); several U.S. and non-U.S. operators of de Havilland airplanes; Transport Canada Aviation, which is the airworthiness authority for Canada; and de Havilland, Inc.; has undertaken the task of identifying and implementing procedures to ensure the continued structural airworthiness of aging commuter-class airplanes. This group reviewed selected service bulletins, applicable to de Havilland Model DHC–7 series airplanes, to be recommended for mandatory rulemaking action to ensure the continued operational safety of these airplanes.

The group reviewed and recommended the following de Havilland service bulletins for mandatory rulemaking action:

1. de Havilland Service Bulletin 7–57–11, dated December 17, 1982, which describes procedures for a one-time inspection to assess the adequacy of the clearance between the wing forward pick-up adapter plate and the seal retaining angle on the fuselage side access panel, and modification (Modification no. 7/2319), if necessary.

2. de Havilland Service Bulletin 7–57–19, dated February 24, 1984, which describes procedures for a one-time inspection to assess the adequacy of the clearance between the wing rear mounting adapter plates and the seal retaining angle on the fuselage side access panel, and modification (Modification no. 7/2355), if necessary.

Modifications 7/2319 and 7/2355 entail trimming damaged retention angles and blending out light scoring on the adapter plates. Modification 7/2319 has been accomplished prior to delivery on airplanes having serial numbers 78 and 84. Design changes that would ensure the adequacy of clearance between the wing forward pick-up adapter plate and the seal retaining angle on the fuselage side access panel have been incorporated prior to delivery on airplanes having serial numbers 87 and subsequent.

The procedures described in these service bulletins are intended to positively address conditions identified in Model DHC–7 series airplanes that, if

not corrected, could result in reduced strength in the attachment of the wing-body fairing to the fuselage.

Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian Airworthiness Directives CF–91–09 and CF–91–12, both dated May 10, 1991, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to assess the adequacy of the clearance between the wing forward pick-up adapter plate and the seal retaining angle on the fuselage side access panel, and modification, if necessary; and a one-time inspection to assess the adequacy of the clearance between the wing rear mounting adapter plates and the seal retaining angle on the fuselage side access panel, and modification, if necessary. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 44 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $19,360, or $440 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

De Havilland, Inc.: Docket 92–NM–157–AD.

Applicability: Model DHC–7 airplanes, serial numbers 1 through 99, inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure, accomplish the following:

(a) For airplanes having serial numbers 1 through 77, inclusive; 79 through 83, inclusive; 85 and 86: Within 6 months after the effective date of this AD, inspect the clearance between the wing forward pick-up adapter plates and the seal retaining angle on the fuselage side access panel in accordance with de Havilland Service Bulletin 7–57–11, dated December 17, 1982.

(1) If scoring on the adapter plates does not exceed 0.050 inch in depth, prior to further flight, accomplish Modification 7/2319 in accordance with the service bulletin.

(2) If scoring on the adapter plates exceeds 0.050 inch in depth, prior to further flight, repair in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, Engine and Propeller Directorate.

(3) If the adapter plates are undamaged, then no further action is required by this AD.

(b) For airplanes having serial numbers 1 through 99, inclusive: Within 6 months after the effective of this AD, inspect the clearance between the rear mounting adapter plates and the seal retaining angle on the fuselage side access panel in accordance with de Havilland Service Bulletin 7–57–19, dated February 24, 1984.

(1) If scoring on the adapter plates does not exceed 0.050 inch in depth, prior to further flight, accomplish Modification 7/2355 in accordance with the service bulletin.

(2) If scoring on the adapter plates exceeds 0.050 inch in depth, prior to further flight, repair in accordance with a method approved by the Manager, New York ACO, ANE–170, FAA, Engine and Propeller Directorate.

(3) If the adapter plates are undamaged, then no further action is required by this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York ACO, ANE–170, FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 26, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4920 Filed 3–3–93; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary

14 CFR Parts 221 and 389

[Docket No. 48385; Notice No. 93–1]

RIN 2137–AC18

Electronic Filing of Property and Passenger Tariffs

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: RSPA is withdrawing its notice of proposed rulemaking (NPRM) on electronic filing of property and passenger tariffs. The NPRM would have allowed air carriers and foreign air carriers to file all tariffs electronically instead of on paper. RSPA authorized electronic filing of passenger fares in

1989, and the NPRM would have authorized passenger rules and cargo rates and rules also to be filed electronically. On February 3, 1993, RSPA held a public meeting to discuss the NPRM. Industry commenters, including representatives from major air carriers, computer reservation systems, and filing agents, expressed significant concerns about the feasibility, costs, and benefits of the proposals in the NPRM. RSPA has concluded that the NPRM should be withdrawn to allow the agency to reconsider these issues in light of the industry comments.

FOR FURTHER INFORMATION CONTACT: Mr. Dean Johnson, Office of Automated Tariffs, (202) 366–4080, or Mr. Edward H. Bonekemper, III, Assistant Chief Counsel, Hazardous Materials Safety and Research and Technology Law, (202) 366–4400, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On October 15, 1992, RSPA published an NPRM inviting comment on electronic filing of property and passenger tariffs (Docket 48385, 57 FR 47303). RSPA proposed to allow all tariffs to be filed electronically instead of on paper. RSPA authorized electronic filing of passenger fares in 1989, and the NPRM would have authorized passenger rules and cargo rates and rules to be filed electronically. In addition, the NPRM proposed to prescribe the form and content of electronic fare rules; require a finished electronic tariff arrangement or format in addition to the existing subscription service for electronic raw tariff data; allow the filer to charge a fee to reproduce electronic tariffs in a finished construction; clarify the tariff regulations affecting the filer's proposed effective date on an electronic tariff filing; and revise the user fee regulations to reflect current costs and to clarify the initial exclusion from electronic user fees for electronic filers.

On October 28, 1992, the Airline Tariff Publishing Company (ATPCO) requested a delay in response date, a public meeting, and disclosure of cost studies. Comments in support of ATPCO's request were received from Japan Airlines Company, Swissair, Varig, S.A., American Airlines, Delta Air Lines, Northwest Airlines, United Air Lines, and USAir. In addition, ATPCO submitted a petition for rulemaking to allow air carriers to initiate fare action at any time and the Department to accept those filings as of the time they are filed.

RSPA agreed that additional time should be provided, and on January 5, 1993, announced that it would reopen the comment period until March 5, 1993, and would hold a public meeting on February 3, 1993, to discuss the NPRM (58 FR 287). The public meeting was widely attended by members of the public and representatives of U.S. and foreign air carriers, ATPCO, computer reservations systems, and foreign governments. Many of the commenters raised serious concerns about the scope of the NPRM, the feasibility and practicality of the proposals, and the costs and benefits to industry and the government. ATPCO recommended that RSPA explore the possibility of using an advisory committee or other working level group, or a negotiated rulemaking to achieve the goal of all-electronic tariff filing capability.

Subsequent to the public meeting, that same commenter, by letter, specifically requested that this rulemaking be converted to a negotiated rulemaking because of the highly technical nature of the rulemaking and its potential impact, and because "[t]here is grave concern that the proposed rule * * * is unworkable and that the impact of the rule as drafted could go well beyond what was intended by its drafters." In a subsequent letter, that commenter confirmed that it is requesting withdrawal of the present rulemaking. In addition, the European Civil Aviation Conference has filed a comment stating, *inter alia*, that there is a need for international dialogue on certain issues involved in this rulemaking.

As a result of the public meeting and the subsequent correspondence, RSPA believes it is in the interest of all parties to withdraw the NPRM and reconsider the appropriate means to achieve an electronic tariff filing system that meets the needs of the government, the airline industry, and the public. Accordingly, the NPRM is withdrawn.

Rulemaking Analyses and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

The action being withdrawn by RSPA in this document would have authorized electronic filing of all passenger and cargo tariffs. RSPA has determined that this document does not contain a major rule under Executive Order 12291. It is considered a significant regulation under DOT's Regulatory Policies and Procedures. However, RSPA is withdrawing the NPRM to reconsider all the issues.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, RSPA evaluated the effects of this proposal on small entities. The proposal, if adopted, would have applied only to air carriers filing scheduled service tariffs. These air carriers are large operators with revenues in excess of several million dollars each year. Therefore, RSPA certifies that withdrawal of this proposed rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that withdrawal of the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the information collection requirements associated with this rule were submitted to the Office of Management and Budget (OMB) for review as a revision to an existing collection (OMB control number 2106–0009) and were approved on January 21, 1993. Since the proposed rule is being withdrawn, a request is being sent to OMB to reinstate the previous information collection requirements.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

14 CFR Part 221

Air fares and rates, Freight, Reporting and recordkeeping requirements.

14 CFR Part 389

Administrative practice and procedure, Fees and charges, Reporting and recordkeeping requirements.

Issued in Washington, DC, on February 25, 1993.

Richard R. John,

Acting Associate Administrator for Research, Technology, and Analysis.

[FR Doc. 93–4883 Filed 3–3–93; 8:45 am]

BILLING CODE 4910–60–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter 1

[FR 4601–2]

Open Meeting on Proposed Wood Furniture Rules and/or Control Techniques Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Notice of public exploratory meeting.

SUMMARY: As part of EPA's effort to determine the desirability of regulatory negotiation or some other consensus-based approach to develop proposed rules regulating hazardous air pollutant emissions and/or a Control Techniques Guideline covering volatile organic compound emissions associated with wood furniture manufacturing, this meeting will continue to discuss and refine scope and issues.

DATES: The meeting will take place on March 25–26. On March 25, it will start at 9 a.m. and end at 5 p.m. On March 26, it will start at 8 a.m. and end by 3 p.m.

ADDRESSES: The meeting will take place at the Omni Europa Hotel, 1 Europa Drive, Chapel Hill, NC 27514, (919) 968–4900.

FOR FURTHER INFORMATION CONTACT: For additional information on substantive aspects of the meeting, please contact Ellen Ducey of EPA's Office of Air Quality Planning and Standards, (919) 541–5408. For additional information on procedural or administrative matters please contact Susan Wildau or John Lingelbach, EPA's co-convenors, at (303) 442–7367.

Dated: February 26, 1993.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 93–4932 Filed 3–3–93; 8:45 am]

BILLING CODE [illegible]

40 CFR Part 761

[OPPTS–62122A; FRL–4572–6]

Polychlorinated Biphenyls (PCBs), Storage for Disposal of PCBs; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: In the **Federal Register** of January 26, 1993, EPA issued a proposed rule to amend one of the criteria used for granting written, final approval to engage in the commercial storage of PCB waste (58 FR 6184). This document corrects the omission of a date from the "Background" section of the proposed rule.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, rm. E–543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551, FAX: (202) 554–5603 (document requests only).

SUPPLEMENTARY INFORMATION: In the January 26, 1993, issue of the **Federal Register**, published at 58 FR 6184, EPA issued a proposed rule which amended one of the criteria EPA uses to grant approvals to begin commercial storage of PCBs for disposal. The following correction is made to FR Doc. 93–1875:

In the "Background" section of the preamble, the second sentence before the end of that section, the sentence that reads "On , EPA and the petitioners filed a Settlement Agreement with the court whereby petitioners agreed to dismiss with prejudice their petition if EPA adopts a final rule in substantial conformity with the proposal described in this notice.", should read "On November 20, 1992, EPA and the petitioners filed a Settlement Agreement with the court whereby petitioners agreed to dismiss with prejudice their petition if EPA adopts a final rule in substantial conformity with the proposal described in this notice."

Dated: February 22, 1993.

John W. Melone,

Director, Chemical Management Division.

[FR Doc. 93–4930 Filed 3–3–93; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 88–031a]

RIN 2115–AE25

Documentation of Vessels; Controlling Interest

AGENCY: Coast Guard, DOT.

ACTION: Notice of withdrawal.

SUMMARY: The Coast Guard is withdrawing its action to develop a new interpretation of the citizenship "grandfather" or savings provision of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (the Act). This action is being withdrawn because the United States Circuit Court of Appeals for the District of Columbia reversed the decision of the United States District Court which determined that the Coast Guard's current interpretation of the savings provision was incorrect, thereby upholding the Coast Guard's interpretation.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Don M. Wrye, Staff Attorney, Vessel Documentation and Tonnage Survey Branch, (202) 267–1492.

SUPPLEMENTARY INFORMATION: On December 12, 1990, the Coast Guard published its final rule implementing the American control provisions of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (the Act). Among other things, the rule set forth the Coast Guard's interpretation of the Act's citizenship savings provision. That interpretation is currently set forth in 46 CFR 67.03–15 of the Coast Guard's vessel documentation regulations.

The Coast Guard's rules implementing the citizenship savings provision has been the subject of litigation: *Southeast Shipyard Assn.* v. *United States*, No. 90–1142 (D.D.C.). On April 30, 1991, the District Court decided that the Coast Guard's interpretation of the Act's citizenship savings provision was incorrect. The court did not provide the Coast Guard with a new interpretation, but rather, directed the Coast Guard to develop a new interpretation. On September 21, 1992, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) in which additional information was sought to assist the Coast Guard in developing a new interpretation. The comment period for the ANPRM closed on December 21, 1992.

The Coast Guard noted in the ANPRM that the decision of the District Court was being appealed. On November 24, 1992, the Circuit Court of Appeals for the District of Columbia issued its opinion in the appeal. That opinion reversed the decision of the District Court and upheld the Coast Guard's interpretation of the Act's citizenship savings provision. Therefore, development of a new interpretation is unnecessary.

For the reasons stated above, the ANPRM (CGD 88–031a) published on September 21, 1992, is withdrawn.

Dated: December 22, 1992.

R.C. North,

Acting Chief, Captain, U.S. Coast Guard, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–4984 Filed 3–3–93; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Endangered Status for the Relict Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Service announces that a public hearing will be held in accordance with provisions of the Endangered Species Act of 1973, as amended, on the proposed rule to list the relict darter *(Etheostoma chienense)* as an endangered species. The comment period is reopened to accommodate the hearing and allow receipt of written comments as well.

DATES: A public hearing on the proposal will be held April 6, 1993, from 7 p.m. to 10 p.m. The comment period is reopened on the proposal from March 22, 1993 through April 20, 1993.

ADDRESSES: Comments should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Asheville Field Office, 330 Ridgefield Court, Asheville, North Carolina 28806. The public hearing will be held in the large conference room at Purchase Area Development District, 1002 Medical Drive, Mayfield, Kentucky.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins at the above field office address (704/665–1195 ext. 228).

SUPPLEMENTARY INFORMATION:

Background

The relict darter *(Etheostoma chienense)*, a small 2½-inch fish, is endemic to the Bayou du Chien watershed (Graves and Hickman Counties) in extreme western Kentucky. Historically, this darter was likely more widespread in the Bayou du Chien system. However, it is currently known from only five sites within this drainage and is known to spawn in only one Bayou du Chien tributary. The relict darter has been and continues to be impacted by water quality and habitat deterioration resulting from stream channelization, siltation from some land use practices, and by other water pollutants.

On December 11, 1992, the Service published in the **Federal Register** (57 FR 58774) a proposal to list the relict darter as an endangered species. Section 4(b)(5) of the Endangered Species Act provides for a public hearing on a proposed listing, if requested. Prior to expiration of the deadline for requesting a public hearing, January 25, 1993, as published in the proposed rule, the Service received written requests from Mr. Tony Smith, Graves County Judge Executive; Mr. Gregory D. Pruitt, Hickmam County Judge Executive; Mr. Harold M. Garrison, Fulton County Judge Executive; and Mr. Paul Beck, a local farmer.

The Service has scheduled a public hearing that is to be held in the large conference room at Purchase Area Development District, 1002 Medical Drive, Mayfield, Kentucky, on April 6, 1993, from 7 p.m. to 10 p.m. The comment period will remain open through April 20, 1993.

Those parties wishing to make a statement for the record are encouraged to provide a copy of their statement to the Service at the start of the hearing.

Author

The primary author of this notice is Mr. Richard Biggins, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806.

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: February 23, 1993.

W.T. Olds, Jr.,

Acting Regional Director.

[FR Doc. 93–4974 Filed 3–3–93; 8:45 am]

BILLING CODE 4310-55-P

Notices

Federal Register
Vol. 58, No. 41
Thursday, March 4, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 26, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- Agricultural Marketing Service

7 CFR part 59, Regulations for Inspection of Eggs and Egg Products
PY–38, PY–76, PY–155, PY–156, PY–214, PY–222, PY–240, PY–518–1
Recordkeeping; Monthly; Quarterly; Semi-annually; Daily
State or local governments; Businesses or other for-profit; Small businesses or organizations; 46,738 responses; 30,874 hours
C. Shields Jones, Jr., (202) 720–3506

- Farmers Home Administration

7 CFR 1980–A, Guaranteed Loan Program (General)
FmHA 449–14, 30, 35, 36, 1980–19, 22, 41, 43, and 44
On occasion
Individuals or households; Businesses or other for-profit; 119,635 responses; 239,430 hours
Jack Holston, (202) 720–9736

- Farmers Home Administration

7 CFR 1980–B, Guaranteed Farmer Program Loans
FmHA 449–11, 1980–15, 24, 25, 38, 58, E4
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; 158,140 responses; 235, 427 hours
Jack Holston, (202) 720–9736

Extension

- Agricultural Marketing Service

Food Facility Survey
TMD–4, TMD–5
On occasion
Business or other for-profit; 625 responses; 375 hours
Arthur F. Burns, (202) 702–8317

Reinstatement (Emergency)

- Agricultural Stabilization and Conservation Service

7 CFR 1413 and 1414—Forms for Participation in Price Support and Production Adjustment Programs
CCC–477, 477 Appendix, 477A, 477B, 505, 507A, 406, 406 Appendix, 300, 300 Appendix, 302; ASCS–503, 658–1
Annually
Farms; 1,732,000 responses; 429,500 hours
Bruce Hiatt, (202) 245–4798

New Collection

- Food and Nutrition Service

Non-Application in the School Lunch and Breakfast Programs Among Potentially-Eligible Households and Non-Participation in the School Lunch and Breakfast Programs Among Students Approved for Benefits
One time only
Individuals or households; State or local governments; 4,680 responses; 1,030 hours
Cindy Long, (703) 305–2340

Larry K. Roberson,

Deputy Department Clearance Officer.

[FR Doc. 93–4978 Filed 3–3–93; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 93–011–1]

Availability of an Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit To Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and a finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to allow the field testing of genetically engineered organisms. The environmental assessment provides a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect these documents are encouraged to call ahead (202–690–2817) to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belchrest Road, Hyattsvile, MD 20782, (301) 436–7612. For copies of the environmental assessment and finding of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit number listed below when ordering documents.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the

introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued a permit for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessment and finding of no significant impact, which are based on data submitted by the applicant and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact associated with conducting the field tests.

An environmental assessment and a finding of no significant impact have been prepared by APHIS relative to the issuance of a permit to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date issued	Organisms	Field test location
92-352-01, renewal of permit 92-049-03, issued on 04-15-92.	Petoseed Company, Incorporated.	01-27-93	Tomato plants genetically engineered to express anti-sense gene constructs of polygalacturonase (PG), pectinesterase (PE), and ethylene forming enzymes, to modify ripening.	California.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 1st day of March 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-4980 Filed 3-3-93; 8:45 am]

BILLING CODE 3410-01-M

[Docket No. 93-010-1]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that 45 applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect applications are encouraged to call ahead (202-690-2817) to facilitate entry into the comment reading room. You may obtain copies of the documents by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organisms	Field test location
93-011-01	Pioneer Hi-Bred International, Incorporated.	01-11-93	Soybean plants genetically engineered to express a methionine-rich seed storage protein gene.	Illinois, Iowa, Missouri, Mississippi, Ohio, Tennessee.
93-011-02, renewal of permit 91-347-03, issued on 04-14-92	Monsanto Agricultural Company	01-11-93	Cotton plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *Kurstaki* for resistance to lepidopteran insects.	North Carolina.

Application No.	Applicant	Date received	Organisms	Field test location
93-011-03, renewal of permit 92-037-02, issued on 05-03-92.	Monsanto Agricultural Company.	01-11-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	North Carolina.
93-011-04, renewal of permit 92-073-03, issued on 05-15-92.	Monsanto Agricultural Company.	01-11-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Minnesota.
93-011-05	Monsanto Agricultural Company.	01-11-93	Cotton plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects.	Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas.
93-012-02	Monsanto Agricultural Company.	01-12-93	Cotton plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	North Carolina.
93-012-03	Monsanto Agricultural Company.	01-12-93	Cotton plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Texas.
93-012-04	Monsanto Agricultural Company.	01-12-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. kurstaki for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate and to express genes for increased solids content.	Illinois, Ohio.
93-012-05, renewal of permit 92-007-01, issued on 04-29-92.	Monsanto Agricultural Company.	01-12-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Illinois.
93-012-06, renewal of permit 92-037-03, issued on 05-19-92.	Monsanto Agricultural Company.	01-12-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Wisconsin.
93-012-07, renewal of permit 92-055-01, issued on 05-20-92.	Monsanto Agricultural Company.	01-12-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Virginia.
93-013-01	R.J. Reynolds Tobacco Company.	01-13-93	Tobacco plants, genetically engineered to express an acetohydroxyacid enzyme for tolerance to the herbicide sulfonylurea or a nitrilase enzyme for tolerance to the herbicide bromoxynil.	North Carolina.
93-014-01	Ciba-Geigy Corporation	01-14-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer.	Florida, Hawaii, Illinois, Iowa, Nebraska, North Carolina.
93-014-02	DeKalb Plant Genetics	01-14-93	Corn plants genetically engineered to express a phosphionthricin acetyl transferase gene for tolerance to the herbicides glufosinate and bialaphos.	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, South Dakota, Texas, Wisconsin.
93-014-03	Northrup King Company	01-14-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* strain HD-1 for resistance to European corn borer or the coat protein genes of maize dwarf mosaic virus strain B (MDMV-B) for resistance to MDMV-B.	Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Wisconsin.
93-019-01, renewal of permit 92-002-05, issued on 05-05-92.	Pioneer Hi-Bred International, Incorporated.	01-19-93	Corn plants genetically engineered to express a coat protein from maize dwarf mosaic virus (MDMV) for resistance to MDMV.	Iowa.
93-019-02	North Carolina State University.	01-19-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* strain HD-1 for resistance to lepidopteran insects.	North Carolina.
93-019-03, renewal of permit 92-014-01, issued on 04-29-92.	North Carolina State University.	01-19-93	Tobacco plants genetically express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* strain HD-1 for resistance to lepidopteran insects.	North Carolina.
93-021-01	Campbell Research and Development.	01-21-93	Tomato plants genetically engineered to express two genes for modified ripening.	California.
93-021-02	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Illinois.
93-021-03	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Iowa.
93-021-04	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Illinois.
93-021-05	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Illinois.

Application No.	Applicant	Date received	Organisms	Field test location
93-021-06	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Illinois.
93-021-07	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Illinois.
93-021-08	Monsanto Agricultural Company.	01-21-93	Corn plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to European corn borer and a gene for tolerance to the herbicide glyphosate.	Iowa.
93-021-09	Hoechst Roussel Agri-Vet Company.	01-21-93	Corn plants genetically engineered to express the enzyme phosphinothricin-N-acetyltrans-ferase (PAT) for tolerance to the herbicide glufosinate.	Illinois, Indiana, Iowa, Mississippi, Missouri, Nebraska, North Dakota
93-021-10, renewal of permit 92-017-04, issued on 05-15-92.	Hoechst Roussel Agri-Vet Company.	01-21-93	Corn plants genetically engineered to express the enzyme phosphinothricin acetyltrans-ferase (PAT) for tolerance to the herbicide glufosinate.	Illinois, Indiana, Iowa, Nebraska.
93-021-11, renewal of permit 92-043-01, issued on 06-05-92.	Hoechst Roussel Agri-Vet Company.	01-21-93	Corn plants genetically engineered to express the enzyme phosphinothricin acetyltrans-ferase (PAT) for tolerance to the phosphinothricin class of herbicides.	Minnesota.
93-022-01	North Dakota State University.	01-22-93	Potato plants genetically engineered to express a gene for altered hydrate metabolism.	North Dakota.
93-022-02, renewal of permit 92-022-03, issued on 05-04-92.	Pioneer Hi-Bred International, Incorporated.	01-22-93	Corn plants genetically engineered to express wheat germ agglutinin for resistance to European corn borer.	Iowa.
93-022-03	AgriPro Seeds	01-22-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Indiana, Iowa.
93-022-04	Upjohn Company	01-22-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Arkansas, Illinois, Indiana, Iowa, Maryland, Michigan, Wisconsin.
93-026-01, renewal of permit 92-015-01, issued on 05-11-92.	Monsanto Agricultural Company.	01-26-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate..	Arkansas.
93-026-02	Delta and Pine Land Company.	01-26-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Mississippi.
93-026-03, renewal of permit 92-113-01, issued on 06-09-92.	University of Wisconsin-Madison.	01-26-93	*Pseudomonas syringae* which is a non-lesion forming Tn5 mutant.	Wisconsin.
93-026-04	University of California, Berkeley.	01-26-93	*Pseudomonas syringae* which is a Tn5 mutant having reduced epiphytic fitness.	California.
93-026-05, renewal of permit 92-049-05, issued on 04-29-92.	Upjohn Company	01-26-93	Corn plants genetically engineered to express a phosphinothricin acetyltransferase (PAT) gene for tolerance to the herbicide glufosinate.	Michigan, Puerto Rico
93-026-06	Pioneer Hi-Bred International Incorporated.	01-26-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate or a methionine-rich seed storage protein from Brazil nut.	Illinois, Iowa, Mississippi, Missouri, Ohio, Tennessee.
93-026-07, renewal of permit 92-002-03, issued on 04-16-92.	Pioneer Hi-Bred International, Incorporated.	01-26-93	Corn plants genetically engineered to express a coat protein from maize chlorotic dwarf virus (MCDV) for resistance to MCDV.	Tennessee.
93-026-08, renewal of permit 92-002-04, issued on 04-30-92.	Pioneer Hi-Bred International, Incorporated.	01-26-93	Corn plants genetically engineered to express a coat protein from maize chlorotic mottle virus (MCDV) for resistance to MCMV.	Nebraska.
93-026-09, renewal of permit 92-156-01, issued on 08-29-91.	University of Florida	01-26-93	Tobacco plants genetically engineered to express a coat protein from tobacco etch virus (TEV) for resistance to TEV.	Florida.
93-027-01, renewal of permit 92-028-01, issued on 05-27-92.	Purdue University	01-27-93	Tomato plants genetically engineered to express an antisense pectin methyl-esterase (PME) chimeric gene to increase the soluble solid content.	Indiana.
93-029-01	Dairyland Seed Company, Incorporated.	01-29-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Illinois, Indiana, Wisconsin.
93-029-02	DowElanco, United AgriSeeds.	01-29-93	Corn plants genetically engineered to express resistance to certain insects and tolerance to certain herbicides.	Illinois, Indiana.

Done in Washington, DC, this 1st day of March 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–4979 Filed 3–3–93; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Exemption of Grizzly Creek Salvage Timber Sale Project From Appeal

AGENCY: USDA, Forest Service, Northern Region.

ACTION: Notification that a salvage timber sale project designed to recover insect- and disease-killed timber is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: During routine forest surveys conducted during 1991 and 1992, insect and disease infestations in the Grizzly Creek drainage about 15 miles northwest of Silverton, Idaho, were identified and monitored. Approximately 115 acres of commercial sawtimber killed or severely damaged were identified. In 1992, the Wallace District Ranger, Idaho Panhandle National Forests, proposed rehabilitation action designed to salvage insect- and disease-killed timber and promote forest health in the affected area. The District Ranger has determined through the environmental analysis documented in the Grizzly Creek Salvage Timber Sale Environmental Assessment (EA) that there is good cause to expedite these actions in order to rehabilitate National Forest system lands and recover damaged resources. Salvage of commercial sawtimber within the affected area must be accomplished as soon as possible in order to avoid further deterioration of sawtimber, reduce the risk of catastrophic wildfire, and avoid further spread of insect and disease to adjacent healthy stands.

EFFECTIVE DATE: Effective on March 4, 1993.

FOR FURTHER INFORMATION CONTACT: Steve Williams; District Ranger; Wallace Ranger District; Idaho Panhandle National Forests; Box 14; Silverton, Idaho 83867.

SUPPLEMENTARY INFORMATION: Routine forest surveys of insect and disease infestations conducted during 1991 and 1992 on the Wallace Ranger District resulted in the identification of approximately 115 areas of salvageable commercial sawtimber in the Grizzly Creek drainage. The timber killed by insects and diseases is located within Management Areas 1 and 4, as designated in the Idaho Panhandle National Forests and Resource Management Plan (1987). These lands are designated as suitable timberlands and to be managed for a variety of resource goals.

In February of 1992, the District Ranger, Wallace Ranger District, Idaho Panhandle National Forests, proposed the salvage harvest of the trees killed by insect and disease infestations. This proposal was designed to meet the following needs: (a) Salvage merchantable timber products; (b) protect against insect and disease; (c) improve the net growth and yield of timber resources; (d) rehabilitate timber stands that are understocked through site preparation and planting; (e) contribute to watershed recovery through application of management practices designed to minimize erosion and sedimentation potential; (f) manage big game habitat toward achieving the goals of the Idaho Panhandle National Forests Forest Plan; and (g) reduce the risk of large wildfires by reducing fuel loading to the point where fire suppression efforts would be more effective.

An interdisciplinary team was convened, and scoping began in 1992. Eight issues were identified and were the basis for the analysis of the environmental analysis disclosed in the EA. Four alternatives were developed; a No Action alternative and three salvage and rehabilitation alternatives.

The selected alternative would salvage approximately 2,420 MBF of dead timber on 115 acres. Group shelterwood harvesting is prescribed for the salvage operations. All units are accessible for existing roads. No new road construction or reconstruction is planned for this sale. Conifer species less likely to be susceptible to mortality due to root rot and/or blister rust will be planted in the harvested areas. Approximately 6 miles of non-system road will be ripped and re-vegetated.

The sale and accompanying rehabilitation work is designed to accomplish the objectives as quickly as possible. Prompt implementation of the salvage sale is necessary to capture potential volume losses due to deterioration. This would facilitate the prompt reforestation of the affected area, initiation of watershed and fisheries habitat recovery projects, the restoration of elk habitat and maintenance of elk security, and reduce the risk of large wildfires. To expedite implementation of this decision, procedures outlined in 36 CFR part 217(a)(11) are being followed. Under this regulation the following may be exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources from natural disasters or other natural phenomena * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

Based on the environmental analysis documented in the Grizzly Creek Salvage Timber Sale EA and the District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: February 24, 1993.

David F. Jolly,

Regional Forester, Northern Region.

[FR Doc. 93–4838 Filed 3–3–93; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 12:30 p.m. and adjourn at 3 p.m. on Friday, March 19, 1993, 624 Ninth Street, NW., Washington, DC, Conference Rm. 540. The purpose of the meeting is to review the status of the Committee's project on mortgage lending and discuss follow up to the Commission's report on civil rights issues in Mount Pleasant.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ms. M. Charito Kruvant, 202/966–5804, or John I. Binkley, Director, Eastern Regional Office at (202) 376–7533, facsimile 376–7548, TDD (202) 376–8116. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office of least five (5) working days before the schedule date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 24, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–4977 Filed 3–3–93; 8:45 am]

BILLING CODE 6335–01–M

Agenda and Notice of Public Meeting of the Ohio Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee to the Commission will be held from 9 a.m. until 5 p.m. on Wednesday, March 24, 1993 at the Westin Hotel, at Fountain Square, Cincinnati, Ohio. The purpose of the meeting is to discuss current issues, orient members and plan future activities.

Persons desiring additional information should contact Lynwood L. Battle, Committee Chairperson at (513) 983–2843 or Constance M. Davis, Regional Director of the Midwestern Regional Office, U.S. Commission on Civil Rights, at (312) 353–8311. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 23, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–4976 Filed 3–3–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Intent To Conduct Public Scoping Meetings for the Hawaiian Islands Humpback Whale National Marine Sanctuary, HI

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public scoping meetings.

SUMMARY: On November 4, 1992, former President Bush signed Public Law 102–587, the Oceans Act of 1992, which created the Hawaiian Islands Humpback Whale National Marine Sanctuary. The Act legislatively designates the marine environment to the 100-fathom (183-meter) isobath adjoining the islands of Lanai, Maui and Molokai, including Penguin Banks. The deep water area of Pailolo Channel from Cape Halawa, Molokai to Nakalele Point, Maui and southward is included as part of the sanctuary, as is the area adjacent to the Kilauea National Wildlife Refuge (to the 100-fathom isobath) on the island of Kauai. The primary purposes of the sanctuary are to protect humpback whales and their habitat and to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary. The Act also provides for the inclusion of the waters around Kahoolawe Island in the sanctuary on January 1, 1996, unless the Secretary of Commerce finds that the area is not suitable for sanctuary status based on an examination and assessment of the resources and uses of the area.

The National Oceanic and Atmospheric Administration (NOAA), within the Department of Commerce, is proceeding to address the legislative mandates contained within the Act. These include:

(1) The preparation of a draft environmental impact statement, management plan and proposed implementing regulations for the Hawaiian Islands Humpback Whale National Marine Sanctuary;

(2) The continued assessment of the marine environment adjacent to the Island of Kahoolawe; and

(3) The identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary.

NOAA will conduct six public meetings in Hawaii between March 15 and March 23, 1993, and one meeting in Washington, DC on March 30, 1993, to obtain public comments regarding the scope and purpose of the sanctuary. Information pertaining to boundary modification alternatives, management alternatives, existing resource protection and management regimes, research and interpretive opportunities, as well as the identification of additional public concerns, will be solicited. Individuals and representatives of concerned organizations and government agencies, including native Hawaiian interests, are invited and encouraged to attend the meetings. NOAA also encourages the submission of written comments, prior to April 30, 1993, to the office identified below.

FOR FURTHER INFORMATION CONTACT: Rafael V. Lopez, Pacific Regional Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., suite 714, Washington, DC 20235, (202/606–4126). FAX (202) 606–2496.

DATES AND LOCATIONS: NOAA's Sanctuaries and Reserves Division will hold the following public scoping meetings:

- March 15, 1993, at 7 p.m. at the Central Intermediate School Auditorium, 1302 Queen Emma St., Honolulu, Oahu;
- March 16, 1993, at 6:30 p.m. at the Mitchell Pauole Meeting Hall, 90 Ainoa Street, Kaunakakai, Molokai;
- March 17, 1993, at 6:30 p.m. at the Lanai School and Public Library, 6th and Fraser, Lanai City, Lanai;
- March 18, 1993, at 6:30 p.m. at the Lihikai High School Cafeteria, 335 S. Papa Avenue, Kahului, Maui;
- March 22, 1993, at 6:30 p.m. at the Kaha-Kai Elementary School Cafeteria, 147 Royal Poinciana Dr., Kailua-Kona;
- March 23, 1993, at 6:30 p.m. at the Kilauea Elementary School Cafeteria, 2440 Kolo Road, Kilauea, Kauai; and
- March 30, 1993, at 1 p.m. at the Herbert C. Hoover Building, 14th and Constitution, NW., room 1414, Washington, D.C.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 *et seq.*, (MPRSA) authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries to protect their special conservational, recreational, ecological, historical, research, educational, or aesthetic qualities. The Act is administered by the National Oceanic and Atmospheric Administration (NOAA) through the Office of Ocean and Coastal Resource Management, Sanctuaries and Reserves Division.

In December 1977, NOAA received a nomination for a humpback whale national marine sanctuary in the waters off the western coast of Maui, Hawaii. This area had been identified as a principal breeding and calving area for the wintering population of endangered North Pacific humpbacks. On March 17, 1982, NOAA declared the site an Active Candidate for national marine sanctuary designation. In January 1984, NOAA released the "Proposed Hawaii Humpback Whale National Marine Sanctuary Draft Environmental Impact Statement/Draft Management Plan" for

review and comment. Based on the comments received from the general public and the local, state and Federal governments, subsequent review and consideration of the site by NOAA was suspended.

In October 1990, the 101st U.S. Congress directed NOAA to conduct a study of the feasibility of establishing a national marine sanctuary in the marine environment adjacent to Kahoolawe Island, Hawaii (Public Law 101–515). In conducting the study, NOAA was instructed to give special consideration to the effects such a sanctuary would have on the humpback whale populations that seasonally inhabit the waters off Kahoolawe Island.

The feasibility study concluded that: (1) There is evidence of both biological and cultural/historical resources adjacent to Kahoolawe Island that merit further investigation for national marine sanctuary status; (2) there are additional marine areas within the Hawaiian archipelago that also merit further consideration; and (3) the National Marine Sanctuary Program could contribute to enhanced resource protection of marine resources in Hawaii. The study was transmitted to Congress, the State of Hawaii and the general public in January 1992.

In November 1992, former President Bush signed Public Law 102–587, the Oceans Act of 1992, which contained language designating the marine environment (out to 100 fathoms) around the islands of Maui, Lanai, Molokai and a portion of Kauai as the Hawaiian Islands Humpback Whale National Marine Sanctuary. The primary purposes of the sanctuary are to protect humpback whales and their habitat and to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary. In response to this legislation, NOAA will: (1) develop an environmental impact statement, comprehensive management plan and implementing regulations for the sanctuary; (2) assess the marine environment adjacent to Kahoolawe Island; and, (3) identify marine resources and ecosystems, in addition to the humpback whales and their habitat, for possible inclusion in the sanctuary.

The waters around Maui, Lanai, Molokai and Kauai represent a unique marine ecosystem that provides habitat for numerous marine species, including wintering populations of the humpback whale (*Megaptera novaeangliae*). The humpback whale was classified as an endangered species with the passage of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) in 1973 and remains so today. Current estimates of the number of North Pacific humpback whales in existence are approximately 2,000 individuals—considerably less than the estimated 15,000 whales that existed prior to exploitation.

Humpback whales in Hawaiian waters principally use the shallow waters within the 100-fathom (183-meter) isobath for breeding and calving purposes. The highest density of whales occurs between the months of December and March, primarily in waters around the islands of Maui, Molokai, Lanai, and Kahoolawe; around Niihau Island; and along the northwestern coast of the island of Hawaii from Keahole Point north to Upola Point. Lower densities are found around Kauai, Oahu, and the eastern and southwestern coast of the island of Hawaii. Few hampback whales have been reported around the atolls, islands, banks and reefs of the Northwestern Hawaiian Islands.

Other species of marine mammals that frequent these waters include pilot whales (*Gobicephala melaena*), false killer whales (*Pseudorca crassidens*), pygmy killer whales (*Feresa attenuata*), melon headed whales (*Peponocephala electra*), Pacific bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), spotted dolphins (*Stenella* spp.), and rough tooth dolphins (*Steno bredanensis*). A majority of the Hawaiian population of juvenile and adult green sea turtles (*Chelonia mydas*) are found in the nearshore habitat of the main Hawaiian islands. However, at least 90% of all reproductive activity associated with this Federally-protected species occurs at French Frigate Shoals in the Northwestern Hawaiian Islands. Small numbers of the endangered hawksbill (*Eretmochelys imbricats*) sea turtles are found around the islands of Molokai and Hawaii where a few females have nested recently. The endangered leatherback (*Dermochelys coraicea*) and olive ridley (*Lepidochelys olivacea*) sea turtles also occur in Hawaiian waters, but nest elsewhere. The endangered Hawaiian monk seal (*Monachus schauinslandi*) is found primarily in the Northwestern Hawaiian Islands.

Coral reef development in the Hawaiian Islands is varied. In general, reefs in the eastern portion of the island chain are less developed than the complex calcareous structures found in the Northwestern Hawaiian Islands and tropical Indo-Pacific region. This is due to several factors such as: Exposure to large waves; suboptimal water temperature, clarity and salinity; and geographic isolation, which has left the archipelago without large waves; suboptimal water temperature, clarity and salinity; and geographic isolation, which has left the archipelago without the main reef-building coral of the Pacific, *Acropora* sp. However, extensive fringing reefs are found off the coasts of Oahu, Kauai, the south coast of Molokai, and the northwest coast of Lanai. *Porites* sp. and *Pocillopora* sp. are the most common reef-building corals in the Hawaiian Islands. Coral reefs provide habitat for a wide variety of marine life including fish, crustaceans, mollusks and worms. They also provide important breeding and nursery grounds for economically important fisheries within state waters.

In addition to resource information collected by NOAA, material gathered through the public scoping meetings, coordination with other Federal, state, and local resource management agencies, and input from public advocacy groups will be used to develop an environmental impact statement, management plan and implementing regulations for the sanctuary.

Federal Domestic Assistance Catalog Number 11.429, National Marine Sanctuaries Program.

Dated: February 25, 1993.

Frank Maloney,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–4888 Filed 3–3–93; 8:45 am]

BILLING CODE 3510–08–M

Minority Business Development Agency

Business Development Center Applications: California IBDC

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) is revising the closing date and the performance period for the California IBDC. The new closing date will be April 26, 1993. The revised performance period will be from August 1, 1993 thru July 31, 1994. The original Announcement was published in the February 19, 1993, issue of the FEDERAL REGISTER. The mailing address for submission is: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

11.801 American Indian Program (Catalog of Federal Domestic Assistance

Dated: February 26, 1993.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 93–4996 Filed 3–3–93; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Mississippi Coastal Management Program and the North Carolina National Estuarine Research Reserve.

These evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended. The CZMA requires a continuing review of the performance of coastal states with respect to coastal management. Evaluation of coastal management programs and estuarine reserves require findings concerning the extent to which a state has adhered to the CZM program or estuarine reserve management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA. These reviews include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. Public meetings are held as part of the site visits.

Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of public meetings during the site visits:

The Mississippi Coastal Management Program site visit will be April 19 to 23, 1993. A public meeting will be held Wednesday, April 21, 1993, at 7 p.m., at the Conference Room, Coastal Management Division, Bureau of Marine Affairs, Mississippi Department of Wildlife Conservation, 2620 West Beach Boulevard, Biloxi, Mississippi 39531.

The North Carolina National Estuarine Research Reserve site visit will be May 10 to 14, 1993. Public meetings will be held Wednesday, May 12, 1993, at 7 p.m., at the North Carolina Maritime Museum Auditorium, 315 Front Street, Beaufort, North Carolina 28516; and Thursday, May 13, 1993, at 7:30 p.m., at the Bryan Auditorium, Morton Hall, University of North Carolina at Wilmington, 601 South College Road, Wilmington, North Carolina 28403.

The States will issue notices of the public meetings in local newspapers at least 45 days prior to the public meetings being held, and will issue other timely notices as appropriate.

Copies of the state's most recent performance reports, as well as OCRM's notifications and supplemental request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these programs are encouraged at this time and will be accepted until 15 days after the site visit. Please direct written comments to Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Ave., NW., Washington, DC 20235. When the final evaluation findings are completed, OCRM will place a notice in the **Federal Register** announcing their availability.

FOR FURTHER INFORMATION CONTACT: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 606–4100.

Federal Domestic Assistance Catalog 11.419. Coastal Zone Management Program Administration.

Dated: February 25, 1993.

Frank Maloney,

Deputy Assistance Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–4823 Filed 3–3–93; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Army

Withdrawal of Notice of Intent to Prepare an Environmental Impact Statement (DEIS) for a Section 205 Flood Control Study of the Rio Anton Ruiz, Punta Santiago, PR

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of withdrawal.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers, has formulated plans for providing flood protection along the Rio Anton Ruiz in the vicinity of Punta Santiago, Puerto Rico. Recommendable plans, including mitigation, will result in no net significant impacts to the human environment, and an Environmental Impact Statement will not be required.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action can be answered by Mr. Edil Rosas, Study Manager, San Juan; telephone 809/729–6893; and on the proposed action and withdrawal of the DEIS by Dr. Gerald Atmar, Environmental Studies; telephone 904/232–2615; P.O. Box 4970, Jacksonville, Florida 32232–0019.

SUPPLEMENTARY INFORMATION:

a. The Rio Anton Ruiz feasibility study is being conducted under authority of section 205 of the Flood Control Act of 1948 as amended. An intent to prepare a draft Environmental Impact Statement was published in March 1991.

b. The recommended plan includes a levee around the communities of Punta Santiago and Verde Mar, a Boca Prieta diversion channel, internal drainage works and mitigation measures to avoid, minimize and compensate for net wetland impacts.

c. Studied alternatives include non-structural alternatives and structural measures, including reservoir, channelization, and levees.

d. Scoping consisted of exchanges of correspondence and conferences with affected or interested Federal, Commonwealth and local agencies, individuals and organizations. On-site inspections and conferences were held with local residents and with representatives of the PR Department of Natural Resources and the U.S. Fish and Wildlife Service.

e. Issues identified and addressed during the study include (1) potential impacts on wetlands of the Humacao Natural Reserve, (2) impacts on groundwater and surface water quality from unidentified hazardous and toxic waste (3) impacts on potentially present archeological or historical resources and (4) mitigation alternatives.

The draft feasibility report and environmental assessment will be made available for public and agency for review in June 1993.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4924 Filed 3–3–93; 8:45 am]

BILLING CODE 3710–AJ–M

Proposed Change To Increase the Limitation of Carrier Liability in the International Through Government Bill of Lading (ITGBL) Program

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice of proposed change.

SUMMARY: The Military Traffic Management Command is proposing to increase the limitation of carrier liability from the current 60 cents per pound per article to $1.25 times the net weight of the shipment for all DOD-sponsored ITGBL shipments. The decision to increase the carrier liability responds to MTMC and the military services' concerns that the current 60 cents per pound per article is considerably below the average value of a personal property shipment, and the limitation may contribute to less than satisfactory service. The increased carrier liability is intended to improve quality of service. It also provides the military claims services' a potential source of funds that would more effectively, and equitably result in the recovery of amounts due for personal property lost or damaged while in transit or in storage. The $1.25 released valuation would become the lowest value to be cited for all Codes 4, 5, 5a, 6, 7, 8, J, and T international shipments. The current procedures for processing claims will remain the same. The cost for released valuation at $1.25 times the net weight of a shipment (in pounds) will be determined by the carrier and factored into the carriers transportation single factor rate (SFR). The increased carrier liability will become effective with the International winter (IW93) Cycle, October 1, 1993.

DATES: Coments must be received on or before March 30, 1993.

ADDRESSES: Mail comments to: Headquarters, Military Traffic Management Command, ATTN: MTOP–T–NI (Ms. Shelly Johnson), 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Ms. Shelly Johnson, (703) 756–1870.

SUPPLEMENTARY INFORMATION: The following changes will be made to the International Personal Property Rate Solicitation, I–2.

Item 410. Limitation of Carrier Liability

a. All rates in this solicitation apply to a released value of $1.25 times the net weight of the shipment (in pounds).

b. The carrier accepts property for shipment on the PPGBL under the following terms and conditions:

(1) Carrier's legal liability for loss or damage to goods will be limited to $1.25 times the net weight (in pounds) of the shipment.

(2) No change.

(3) The carrier reserves the right to decline articles prohibited by law or regulatory body, or which are injurious or contaminating to the shipment. The carrier shall be liable for loss or damage resulting from non-observance thereof.

(4) The carrier is not responsible for loss or damage caused by:

(a) Act of God, public authority, or negligence of the owner, and/or owner's agent.

(b) Hostile or warlike action in the time of peace or war, including action in hindering, combating, or defending against an actual, impending, or expected attack.

1 By any government or sovereign power (de jure or de facto), or by an authority maintaining forces.

2 By an agent of any such Government, power, authority or forces.

3 Contamination attributable to effects of radioactive or fissionable materials.

(c) Any weapon of war employing atomic fission or radioactive force whether in time of peace or war.

(d) Insurrection, rebellion, revolution, civil war, usurped power, or action taken by government authority in hindering, combating, or defending against such occurrence, seizure or destruction under quarantine or Customs regulations, confiscation by order of any Government or public authority, or risks of contraband or illegal transportation or trade.

(e) Strikes, lockouts, labor disturbances, riots, civil commotion, acts of person or persons taking part in such occurrence or disorder.

(f) Inherent vice of the article or infestations by mollusks, arachnids, crustaceans, parasites, or other types of pests; fumigations or decontamination when not the fault of the carrier.

(g) The burden of proof shall be on the carrier to show that the loss or damage was caused by the excepted conditions which relieve it of liability.

(5) The carrier shall not be liable for intangible property, stamps, coins, bank notes, or securities, nor for the intrinsic or sentimental value of an item.

(6) The carrier shall be liable, only to the extent of its stated liability, for small items of extraordinary value such as expensive cameras, watches, jewelry and furs.

(7) The carrier shall not be liable for pre-existing damage indicated on the inventory.

(8) The carrier shall not be liable for damage resulting from improper packing, when such packing was not performed by the carrier.

(9) The carrier shall be liable for concealed damage caused by the carrier, or when any visible damage to the container is noted, or when the entire contents (or a portion thereof) are lost, either while intransit, storage-in-transit, or when delivered by the carrier at destination.

(10) Carrier may, at its option, require proof of loss or damage claimed.

c. For the sake of clarity, the following examples apply. These examples identify carrier's maximum liability. Carrier's actual liability will not exceed the actual cost of repairing or replacing any article lost or damaged:

(1) Shipment net weight 10,000 pounds. Carriers maximum liability for any loss and/or damage occurring to this shipment would be $1.25 times 10,000 pounds or $12,500.

(2) Shipment net weight 7,200 pounds. Carriers maximum liability for any loss and/or damage occurring to this shipment would be $1.25 times 7,200 or $9,000.

(3) Shipment net weight 12,000 pounds. Frame is broken on concern grand piano while in transit. It is the only item damaged in shipment. Carriers maximum liability for the piano would be $1.25 times 12,000 or $15,000; or the actual cost or repairs/ replacement, whichever is the lesser amount.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4923 Filed 3–3–93; 8:45 am]

BILLING CODE 3710-08-M

Procedural Changes in DOD Freight Rate Acquisition Programs—Final Action

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: On December 16, 1992 (57 FR 59834), the Military Traffic Management Command (MTMC), on behalf of the Department of Defense (DOD), published a notice of intent to modify the procedures used to acquire rates and charges from the commercial motor carrier industry to transport military shipments. These modifications include the issuance of freight traffic rules designed to standardize and simplify the procurement of carrier rates and services under 49 U.S.C. 10721. MTMC Freight Traffic Rules Publication No. 2, providing these rules, is now final. Copies of this publication may be obtained by writing to: Headquarters, Military Traffic Management Command, ATTN: MTOP–P, 5611 Columbia Pike, Falls Church, VA 22041–5050, telephone (703) 756–1808.

EFFECTIVE DATE: MTMC Freight Traffic Rules Publication No. 2 is effective April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Julian Jolkvosky, Military Traffic Management Command, ATTN: MTOP–P, 5611 Columbia Pike, Falls Church, VA 22041–5050, telephone (703) 756–1808.

SUPPLEMENTARY INFORMATION: MTMC Freight Traffic Rules Publication No. 2 (MFTRP No. 2) contains rules and accessorial services which will govern the rates and services of motor carriers providing driveway or towaway service within the United States or between the United States and Canada or Alaska. Carriers must file these rates and services on a DOD Standard Tender of Freight Services (MT Form 364–R).

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4975 Filed 3–3–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent to Award a Grant to Texaco, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(6), it is making a financial assistance award based on an unsolicited application which does not satisfy the selection criteria of 10 CFR 600.14(e)(1)(ii) but does satisfy the selection criteria of 10 CFR 600.7(b)(2)(i)(B). The Grant will be awarded to Texaco, Inc. under the instrument number DE–FG01–93FE62803. Total estimated cost for this study is valued at $1,400,000, of which the U.S. Department of Energy will contribute $300,000.

SCOPE: Texaco, Inc. has determined to fund this project with $1.1 million of its own money. The Department of Energy has determined, in accordance with 10 CFR 600.7(b)(2)(i)(B), that Texaco, Inc. would conduct the activity with its own resources; however, DOE's support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is planning or conducting such a project. Texaco, Inc. has developed a commercial technology in which they propose to perform a feasibility study on the development of a co-combustion, low-rank coal and heavy distillates cogeneration facility for the generation of electricity, district heat and industrial heat. The feasibility study will look at developing an efficient and environmentally clean 1300 MW integrated gasification combined cycle cogeneration plant in Czechoslovakia. It is anticipated that the export of a development of a cogeneration plant. The Department of Energy has determined it to be in the best interest of DOE to award a noncompetitive grant to Texaco, Inc. for performance of this feasibility study. The anticipated project period of the proposed grant is 12 months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Stanley T. Colt, PR–322.1, 1000 Independence Avenue SW., Washington, DC 20585, (202) 634–4414.

Scott Sheffield,

Acting Director, Division "B", Office of Placement and Administration.

[FR Doc. 93–4988 Filed 3–3–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Arms Control and Nonproliferation Policy

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangements to be carried out under the above-mentioned agreements involve approval of the following retransfers: RTD/JA(EU)–65, for the transfer of 67.5 grams of uranium enriched to 3 percent in the isotope uranium-235 from Belgium to Japan for use as reference material for calibration of mass spectrometers. RTD/JA(EU)–66, for the transfer of uranium mini plates containing 80 grams of uranium enriched to 19.95 percent in the isotope uranium-235 from France to Japan for use in the NSR Reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on March 1, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–4986 Filed 3–3–93; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves the delivery of 215 kilograms of fissile plutonium from France to Belgium for use in the fabrication of mixed uranium-plutonium oxide (MOX) fuel for use as power reactor fuel within the European Community. This fissile plutonium, which is subject to United States consent rights, will be used to repay the loan of plutonium from Belgonucleaire in Belgium to Switzerland of an equivalent amount of fissile plutonium which was not subject to United States consent rights. The United States will consent to the use of this plutonium within the European Community for the above-mentioned purpose.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131(b)(1) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Issued in Washington, DC on March 1, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–4987 Filed 3–3–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP93–121–001]

Williston Basin Interstate Pipeline Co.; Amendment to Application

February 26, 1993.

Take notice that on February 24, 1993, Williston Basin Interstate Pipeline Company (Williston), 200 North Third Street, suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP93–121–001 a modification to its application in said docket to specify a change in the testing of certain facilities to be uprated, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

On December 21, 1992, Williston filed an application pursuant to section 7(c) of the Natural Gas Act, in Docket No. CP93–121–000, requesting authorization to uprate 59.8 miles of existing 12-inch natural gas transmission pipeline from its Worland Compressor Station to the Madden/Wind River Junction by increasing its maximum allowable operating pressure from 850 psig to 1017 psig. Williston proposed, in that application, to hydrostatically test to approximately 1300 psia approximately 9 miles of the line extending from the Worland Compressor Station to just beyond the town of Worland. The remaining 50.8 miles of line would be incrementally tested with gas to 1200 psia.

Williston states that, after additional review, it has decided to hydrostatically test the entire 59.8 miles of transmission line to approximately 1300 psia for at least 8 hours. All uprating and testing would continue to be conducted in accordance with title 49, part 192 of the Code of Federal Regulations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 5, 1993, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4913 Filed 3–3–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[Docket EA–76–A]

Amendment to Authorization PP–76–EA

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of issuance.

SUMMARY: The Office of Fossil Energy gives notice that it has issued an amendment to order PP–76–EA authorizing the New England Power Pool to increase its maximum rate of export of electric energy from 725-megawatts (MW) to 2,000–MW

DATES: This action is effective as of February 19, 1993.

ADDRESSES: Copies of this order are available for inspection during normal business hours in the Office of Fuels Programs Docket Room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9624.

Issued in Washington, DC, March 1, 1993.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–4990 Filed 3–3–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–13–NG]

American Hunter Exploration Ltd.; Order Granting Blanket Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to American Hunter Exploration Ltd. to export up to 100 Bcf of natural gas to Canada over a two-year term beginning on the date of first delivery.

This order is available for inspection and copying in the Office of Fuels Program Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 18, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs.

[FR Doc. 93–4989 Filed 3–3–93; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL–93–36–A]

Common Carrier Public Mobile Information; Revision to the Dates and Filing Requirements for Applications for Cellular Radio Unserved Areas

February 26, 1993.

The Public Notice Report No. CL–93–36, released December 23, 1992 (Dates and Filing Requirements for Applications For Cellular Radio Unserved Areas) (57 FR 62339, Dec. 30, 1992) is revised to include cellular market 291 B Pine Bluff, AR. The system information update for this market is due by March 24, 1993 and the filing window for acceptance of applications for unserved areas in market 291 B is May 12, 1993. All other information listed in the December 23, 1992 Public Notice remains in effect. In addition, Appendix E to the First Report and Order in the Unserved Areas Rulemaking, 6 FCC Rcd 6185 (1991) is revised to change the original grant date of the construction permit for market 291 B from August 5, 1988 to August 5, 1987.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4905 Filed 3–3–93; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1928]

Petitions for Reconsideration and Clarification and Application For Review of Actions in Rulemaking Proceedings

February 24, 1993.

Petitions for reconsideration and clarification have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to these petitions must be filed March 19, 1993. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)).

Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular and to Modify other Cellular Rules. (CC Docket No. 90.6) Number of Petitions Filed: 3

Subject: Regulation of International Accounting Rates. (CC Docket No. 90–337) Number of Petitions Filed: 1

Subject: Billed Party Preference of 0+ InterLATA Calls (CC Docket No. 92–77) Number of Petitions Filed: 8

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4951 Filed 3–3–93; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

First Alabama Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 29, 1993.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. First Alabama Bancshares, Inc., Montgomery, Alabama; to merge with Republic Bancshares, Inc., Nashville, Tennessee, and thereby indirectly acquire Franklin County Bank, Winchester, Tennessee.

2. First Capital Bancorp, Inc., Norcross, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Central Gwinnett Bank, Norcross, Georgia.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Community First Bankshares, Inc., Fargo, North Dakota; to merge with Lincoln Banking Company Ltd., Steamboat Springs, Colorado, and thereby indirectly acquire Bank Northwest, Steamboat Springs, Colorado.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. FirstPerryton Bancorp, Inc., Perryton, Texas; to acquire 99.9 percent of the voting shares of Texas Commerce Bank - Amarillo, Amarillo, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. First Security Corporation, Salt Lake City, Utah; to merge with Desert Southwest Community Bancorp, Las Vegas, Nevada, and thereby indirectly acquire Nevada Community Bank, Las Vegas, Nevada.

Board of Governors of the Federal Reserve System, February 26; 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4928 Filed 3–3–93; 8:45 am]

BILLING CODE 6210-01-F

Aliant National Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 24, 1993.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Aliant National Corporation, Alexander City, Alabama; to engage *de novo* through its subsidiary, Aliant Financial Services Corporation, Alexander City, Alabama, in securities brokerage and investment advisory activities pursuant to §§ 225.25(b)(4) and (b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4926 Filed 3–3–93; 8:45 am]

BILLING CODE 6210-01-F

James Joseph Buquet, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for

processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 24, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. James Joseph Buquet, Jr., Houma, Louisiana; to acquire 6.79 percent; Hilton Joseph Michel, Jr., Houma, Louisiana, to acquire 1.23 percent; Jerome Hilliard Mire, Houma, Louisiana, to acquire 0.25 percent; and Calvin Joseph Ortego, Houma, Louisiana, to acquire 0.50 percent of the voting shares of First National Bankshares, Inc., Houma, Louisiana, and thereby indirectly acquire First National Bank of Houma, Houma, Louisiana.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. William T. Graham, to acquire an additional 12.73 percent of the voting shares of First Business Bancshares, Inc., Madison, Wisconsin, for a total of 15 percent, and thereby indirectly acquire First Business Bank, Kingston, Wisconsin.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Mary A. Berkley, Salina, Kansas; to acquire an additional 31.5 percent for a total of 51.2 percent; Bill D. Berkley, Downs, Kansas, to acquire an additional 31.5 percent for a total of 51.2 percent; and Bradley D. Berkley, Lawrence, Kansas, to acquire 31.5 percent of the voting shares of B Bank, Inc., Downs, Kansas, and thereby indirectly acquire State Bank of Downs, Downs, Kansas.

Board of Governors of the Federal Reserve System, February 26, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4927 Filed 3–3–93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93N–0073]

Animal Drug Export; Furazolidone Aerosol Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Vetoquinol Canada, Inc., has filed an application requesting approval for export to Canada of the animal drugs Topazone and Norizone (furazolidone aerosol powders) which are manufactured and packaged at Heartland Industries, Industry, CA. The drugs are for use as topical antibacterials for the prevention and treatment of superficial bacterial infections in horses and dogs.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–3, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of non-food animal drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Gregory S. Gates, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8617.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review an application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Vetoquinol Canada, Inc., Joliette, QC, Canada J6E 3Z1, through their U.S. agent, James H. Schafer, has filed an application requesting approval for export to Canada of the animal drugs Topazone and Norizone (furazolidone aerosol powders) manufactured and packaged at Heartland Industries, Div. of Aerosol Services, Inc., Industry, CA 91746. The drugs are for use as topical antibacterials for prevention and treatment of superficial bacterial infections in horses and dogs.

The application was received and filed in the Center for Veterinary Medicine on February 16, 1993, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 15, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.44).

Dated: February 19, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93–4933 Filed 3–3–93; 8:45 am]

BILLING CODE 4160-01-F

National Institutes of Health

Office of Research on Women's Health; Meeting

Notice is hereby given that the Office of Research on Women's Health (ORWH) in the Office of the Director, National Institutes of Health (NIH), will hold a public hearing on March 29 and 30, 1993, from 8:30 a.m. to 4:30 p.m., in Lister Hill Auditorium, Building 38A, NIH, 9000 Rockville Pike, Bethesda, Maryland.

The purpose of this hearing is to accept public testimony from individuals and representatives of organizations interested in the recruitment and retention of women in clinical studies. Members of the ORWH Task Force on the Recruitment and Retention of Women in Clinical Studies (Task Force), an ad hoc group of consultants to the Advisory Committee to the Director, NIH, will be present to accept testimony. This testimony will be used to assist the ORWH and the Task Force to identify issues and strategies for increasing the recruitment and retention of women in clinical studies. A scientific meeting to address such

issues will be held on July 12 and 13, 1993, in Bethesda, Maryland.

Women's health issues and the importance of including women in clinical trials have gained increasing attention over the past few years. Reports on the participation of women in clinical studies, including trials, show that women have frequently been underrepresented in such research. The exclusion of women from studies results in a lack of knowledge regarding gender differences and effective interventions for diagnosing, treating, and preventing diseases, disorders, and conditions in women.

Progress is being made by the NIH and the scientific community in closing existing gaps in knowledge pertaining to women's health, including that of individuals from diverse racial/ethnic groups and socioeconomic strata. Successful recruitment and retention of women into clinical studies are necessary to ensure that women are appropriately represented in biomedical and biobehavioral research studies supported by the NIH.

This hearing is open to the public. However, attendance may be limited by seat availability. Testimony for the public hearing should be confined to comments relating to the recruitment and retention of women in clinical studies. Only one representative of an organization may present oral testimony. Each speaker will be permitted 5 to 7 minutes for their presentation.

A letter of intent to present such testimony must be sent by interested individuals and representatives of organizations to the attention of Ms. Margaret Pickerel of Prospect Associates, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852. Correspondence must be received by Prospect Associates no later than 5 p.m. (EST) on Tuesday, March 16, 1993. The order of presentations during the hearing will be determined by the date and time letters of intent are received by Prospect Associates.

Oral presenters and individuals wishing to provide only written statements must send three (3) typewritten copies of their testimony, including a brief description of their organization, to the above address no later than 5 p.m. (EST) on Tuesday, March 23, 1993. Statements submitted after that date will be accepted, but may not be available to the Task Force prior to the hearing.

Individuals who plan to attend the public hearing and need special assistance, such as sign language interpretation or other special accommodations, should contact the person named below in advance of the hearing.

For additional information, contact Carrie P. Hunter, M.D., Special Assistant to the Director, Office of Research on Women's Health, National Institutes of Health, Building 1, room 201, Bethesda, Maryland 20892, 301–402–1770, 301–402–1798 (FAX).

Dated: February 26, 1993.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 93–4993 Filed 3–1–93; 3:13 pm]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–967–4230–15]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation for approximately 15 acres. The lands involved are in the vicinity of Noyes Island, Alaska.

Copper River Meridian

T. 74 S., R. 76 E.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until April 5, 1993 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of KCS Adjudication.

[FR Doc. 93–4992 Filed 3–3–93; 8:45 am]

BILLING CODE 4310–JA–M

[AZ–050–03–4380–03; 8364]

Arizona: Closure of Public Land to Camping and Off-Highway Vehicle Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure.

SUMMARY: Notice is hereby given that the Bureau of Land Management is closing an area of public land located north of Del Norte road, on the south mesa of Fortuna Wash, to all camping and all vehicle use.

ORDER: Effective on March 18, 1993, that portion of public land in the west 3,000 feet of the south 1,320 feet of sec. 33, T. 8 S., R. 21 W., Gila and Salt River Meridian, Arizona, is closed to all camping and all vehicle use. The area covered by this closure contains 35.24 acres. No person may use, drive, transport, park, let stand, or have charge or control over any vehicle in this area.

Exemptions to this order are granted to law enforcement and other emergency vehicles in the course of official duties. All other exemptions to this order are by written authorization of the Yuma Resource Area Manager only.

EFFECTIVE DATE: March 18, 1993.

FOR FURTHER INFORMATION CONTACT: Area Manager Michael A. Taylor, Bureau of Land Management, Yuma Resource Area, 3150 Winsor Avenue, Yuma, Arizona 85365, telephone (602) 726–6300.

SUPPLEMENTARY INFORMATION: The purpose of this closure is to protect the public health of nearby residents by reducing dust and noise pollution caused by off-highway vehicle use.

Maps showing the affected area may be obtained by contacting the Yuma Resource Area Office. The affected area will be posted with standard signs prohibiting camping and vehicle use, and closure notices will be published in local newspapers.

Authority for this closure of public land to camping and vehicle use is found at Title 43, Code of Federal Regulations, subpart 8365, Section 1–6(c). Violation of this order is punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months.

This notice is published under the authority of Title 43, Code of Federal Regulations, Subpart 8365, Section 1–6(c).

Dated: February 23, 1993.

Herman L. Kast,

District Manager.

[FR Doc. 93–4970 Filed 3–3–93; 8:45 am]

BILLING CODE 4310–32–M

[CA-060-01-4410-04-ADVB]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92-463 and 94-579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet in formal session Thursday, March 25, 1993 from 8 a.m. to 5 p.m., and Saturday, March 27, 1993, from 8 a.m. to 11 a.m., in the Carriage Inn meeting room at 901 North China Lake Boulevard in Ridgecrest, California.

Agenda Items for the meetings will include:

—Introduction of the new Desert District Advisory Council members and election of Council Chairperson and Vice Chairperson.
—An update on desert tortoise related issues.
—A briefing on sheep and cattle grazing Section 7 consultations.
—A progress report on the West Mojave Coordinated Management Plan.
—Status reports on major Desert District Environmental Assessments/ Environmental Impact Statements and Planning Initiatives.
—A review of the 1992 CDCA Plan Amendments.
—Discussion of the Motor Vehicle Access CDCA Plan Amendment.
—An update on route designation.
—A briefing on the proposed Fort Irwin expansion project.

On Friday, March 26, from 7:30 a.m. to 5 p.m., Council members and interested members of the public will participate in a field tour, which will include scheduled stops at BLM's Wild Horse and Burro corral facilities, Manly Fall, Panamint Springs, Fossil Falls ACEC, and the Coso Geothermal area. The tour will assemble at the Carriage Inn, 901 North China Lake Boulevard in Ridgecrest on Friday morning at 7:15 a.m.

The public is welcome to participate in the field tour, but should plan on providing their own transportation, drinks, and lunch. Anyone interested in participating in the tour should contact BLM at (909) 697-5215 for more information.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

FOR MORE INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District, External Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507; (909) 697-5215.

Dated: February 25, 1993.

Jean Rivers-Council,

Acting District Manager.

[FR Doc. 93-4991 Filed 3-3-93; 8:45 am]

BILLING CODE 4310-40-M

[CO-050-4320-01]

Canon City District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 463), that a meeting of the Canon City District Grazing Advisory Board will be held at 10:30 a.m. Tuesday, April 6, 1993 at the Bureau of Land Management Office, 3170 East Main, Canon City, Colorado. The purpose of this meeting will be:

1. Prioritization of Range Improvement projects.
2. Initiate, conduct and settle business pertaining to the expenditure of Range Betterment Funds.
3. Update Board on status of ongoing resource management planning efforts in the Canon City District.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. Any member of the public may file with the Board a written statement concerning matters to be discussed. Minutes of the meeting will be made available for public inspection 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Donnie R. Sparks, District Manager, Bureau of Land Management, 3170 East Main Street, Canon City, Colorado 81212 or telephone at (719) 275-0631.

Donnie R. Sparks,

District Manager.

[FR Doc. 93-4971 Filed 3-3-93; 8:45 am]

BILLING CODE 4310-JB-M

[CO-920-93-4110-03; COC52490]

Colorado; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease COC52490, Moffat County, Colorado, was timely filed and was accompanied by all required rentals and royalties accruing from September 1, 1992, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The lessee has paid the required $500.00 administrative fee for the lease and has reimbursed the Bureau of Land Management for the cost of this Federal Register notice.

Having met all the requirements for reinstatement of the lease as set out in sections 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective September 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at (303) 239-3783.

Dated: February 22, 1993.

Joan E. Gilbert,

Acting Chief, Fluid Minerals Adjudication Section.

[FR Doc. 93-4972 Filed 3-3-93; 8:45 am]

BILLING CODE 4310-JB-M

[ID-943-4210-06; IDI-28082]

Opening of Land in a Proposed Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of 20.00 acres of National Forest System land for the Nez Perce Indian Tribe Chinook Salmon Rearing Ponds expires April 7, 1993, after which the land will be opened to surface entry and mining. It has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 7, 1993.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 384-3166.

SUPPLEMENTARY INFORMATION: A notice of Proposed Withdrawal was published in the Federal Register (56 FR 67, April 8, 1991), which segregated the land described therein for up to 2 years from the mining laws, subject to valid existing rights, but not from the mineral leasing laws or other forms of disposition which may by law be made of National Forest System land. The 2-year segregation expires April 7, 1993. The withdrawal application will continue to be processed unless it is canceled or denied. The land is described as follows:

Boise Meridian

T. 35 N., R. 6 E.,
Sec. 1, S½SW¼SE¼.

The area described contains 20.00 acres in Idaho County.

At 9 a.m. on April 8, 1993, the lands shall be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 16, 1993.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 93–4969 Filed 3–3–93; 8:45 am]

BILLING CODE 4310-GG-M

[ID–060–01–3110–10–D001; IDI–27558]

Realty Action; Exchange of Public Lands in Lewis, Clearwater, and Nez Perce Counties, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public lands in Lewis, Clearwater, and Nez Perce Counties, Idaho.

SUMMARY: This notice is to advise the public that the Cottonwood Resource Area of the Bureau of Land Management (BLM) and Steve Schilling are proposing a land exchange. The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 35 N., R. 2 E.,
Sec. 5, SW¼NE¼;
T. 36 N., R. 2 E.,
Sec. 32, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 33, SW¼SE¼.

Comprising 400 acres in Lewis and Clearwater Counties, Idaho.

In exchange for these lands, the Federal Government will acquire the following described lands for Steve Schilling:

Boise Meridian, Idaho

T. 36 N., R. 4 W.,
Sec. 21, Metes and Bounds.

Comprising 13.60 acres of land in Nez Perce County.

The purpose of this exchange is to improve the resource management programs of the Bureau of Land Management. The public lands to be exchanged are isolated parcels without public access. The private lands to be exchanged have recreation values that merit acquisition into public ownership. The exchange is in conformance with the Bureau's land use plans. Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of the United States of a right-of-way for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

2. Valid existing rights of record.

The public lands described above are presently under grazing lease to Daniel Becker and William White. The rights of Mr. Becker and Mr. White to graze domestic livestock on the lands described in grazing authorizations 36104 and 36225 that may transfer out of public ownership shall cease upon title transfer if they elect to waive their rights in accordance with 43 CFR 2711.1–3 and 43 CFR 2201.1(c).

Lands to be acquired by the United States will be subject to valid existing rights or record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant. The segregative effect shall terminate as provided by 43 CFR 2201.1(b).

COMMENTS: For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Coeur d'Alene District Office, Bureau of Land Management, 1808 North Third Street, Coeur d'Alene, Idaho 83814. Objections will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior. Further information concerning the realty action can be obtained from Ron Grant, Realty Specialist, Cottonwood Resource Area Office, (208) 962–3245.

Dated: February 22, 1993.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 93–4967 Filed 3–3–93; 8:45 am]

BILLING CODE 4310-GG-M

[ID–060–01–3110–10–D024; IDI–28559]

Realty Action; Exchange of Public Lands in Lewis County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public lands in Lewis County, Idaho.

SUMMARY: This notice is to advise the public that the Cottonwood Resource Area of the Bureau of Land Management (BLM) and Central Idaho Title, Inc., as trustee for FLEX Northwest, Inc., are proposing a land exchange. The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 35 N., R. 2 E.,
Sec. 4, lots 3 & 4;
Sec. 5, lots 1, 2, & 3, SE¼NW¼.

Comprising 244.59 acres in Lewis County, Idaho.

In exchange for these lands, the Federal Government will acquire the following described lands from Central Idaho Title, Inc.:

Boise Meridian, Idaho

T. 31 N., R. 3 W.,
Sec. 14, W½;
Sec. 23, SE¼NE¼, E½SE¼;
Sec. 24, S½NW¼, SW¼; less the east 70 feet of the SE¼NW¼ and the east 70 feet of the SW¼ as described in that Bargain and Sale Deed, dated March 28, 1992, and recorded April 3, 1992 as Instrument No. 113324.
Sec. 25, S½ of lot 2.

Comprising 695.61 acres in Lewis County, Idaho.

The purpose of this exchange is to improve the resource management programs of the Bureau of Land Management. The public lands to be exchanged are isolated parcels without public access. The private lands to be exchanged are adjacent to public land and have recreation, scenic, and wildlife values that merit acquisition into public ownership. These lands will be managed for multiple use consistent with the surrounding public lands. The exchange is in conformance with the Bureau's land use plans. Lands to be

transferred from the United States will be subject to the following reservations:

1. A reservation of the United States of a right-of-way for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

2. Valid existing rights of record.

The public lands described above, are presently under grazing lease to Ron Carey and Daniel Becker. The rights of Mr. Carey and Mr. Becker to graze domestic livestock on the lands described in grazing authorizations 36193 and 36104 that may transfer out of public ownership shall cease upon title transfer if they elect to waive their rights in accordance with 43 CFR 2711.1–3 and 43 CFR 2201.1(c).

Lands to be acquired by the United States will be subject to valid existing rights of record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant. The segregative effect shall terminate as provided by 43 CFR 2201.1(b).

COMMENTS: For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Coeur d'Alene District Office, Bureau of Land Management, 1808 North Third Street, Coeur d'Alene, Idaho 83814. Objections will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior. Further information concerning the realty action can be obtained from Ron Grant, Realty Specialist, Cottonwood Resource Area Office, (208) 962–3245.

Dated: February 22, 1993.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 93–4968 Filed 3–3–93; 8:45 am]

BILLING CODE 4310–GG–M

[WY–930–4210–06; WYW 75480, WYW 75481, WYW 75482, WYW 75483, WYW 75484, WYW 75485]

Proposed Modification, Continuation, and Termination of Bureau of Reclamation Withdrawals; Riverton Reclamation Project, Wyoming

Amendment

SUMMARY: Public comment has resulted in approximately 2,692 acres of withdrawn lands proposed for termination in the **Federal Register** notice published on October 9, 1992, being identified as actually needed for the purposes associated with the Riverton Reclamation Project. The comments were reviewed by the Bureau of Reclamation which now proposes these lands be continued.

In notice document 92–24605 beginning on page 46595 in the issue of Friday, October 9, 1992, please make the following amendments:

1. On page 46595 in the first column, second paragraph, No. 1 should read, "1. Continue withdrawals on 47,751.53 acres which * * *"

2. On page 46595 in the first column, second paragraph, No. 2 should read, "2. Terminate withdrawals on 56,780.39 acres which * * *"

3. On page 46596 in the first column under T. 2 N., R. 3 E., insert the following:

Sec. 1, lots 1–2, S½NE¼, SE¼;
Sec. 11, S½N½NE¼NE¼SE¼, S½NE¼ NE¼SE¼, SE¼NE¼SE¼, E½SE¼ SE¼;
Sec. 12, all;
Sec. 13, N½N½, SW¼NW¼;
Sec. 14, E½NE¼NE¼;

4. On page 46596 in the second column under T. 3 N., R. 3 E., insert "sec. 36, S½SW¼NW¼, E½NW¼ SW¼, E½SW¼, SE¼;"

5. On page 46596 in the second column under T. 2 N., R. 4 E., delete all of secs. 6 and 7 and insert the following:

Sec. 5, lots 1–4, S½N½, SW¼, N½SE¼;
Sec. 6, lots 1–7, S½NE¼, SE¼NW¼, E½ SW¼, SE¼;
Sec. 7, lots 1–2 NE¼, E½NW¼, N½SE¼;
Sec. 8, SW¼SW¼NE¼, S½S½NW¼, N½ SW¼, W½NW¼SE¼, SE¼NW¼SE¼;

6. On page 46596 in the second column under T. 3 N., R. 4 E., insert, "sec. 31, lots 4–5;"

7. On page 46597 in the first column under T. 2 N., R. 4 W., change the acreage figure to "47,751.53."

8. On page 46597 in the first column, second full paragraph, second sentence, change the acreage figure to "56,780.39."

9. On page 46597 in the second column under T. 2 N., R. 3 E., delete all of secs. 1, 11, 12, 13, and 14.

10. On page 46597 in the second column under T. 3 N., R. 3 E., delete all of sec. 36.

11. On page 46597 in the second column under T. 2 N., R. 4 E., delete all of secs. 5, 6, 7, and 8.

12. On page 46597 in the third column under T. 3 N., R. 4 E., delete all of sec. 31.

13. On page 46598 in the first column under T. 4 N., R. 6 E., change the acreage figure to "56,780.39 "

Correction

1. On page 46595 in the second column under T. 3 N., R. 1 E., sec. 20 should read, "sec. 20, E½NE¼NW¼, N½S½NW¼, N½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, SE¼SE¼ NW¼;".

2. On page 46597 in the first column under T. 4 N., R. 6 E., sec. 19 should read, "sec. 19, lots 1–4, W½NE¼NE¼, NW¼NE¼, NE¼SW¼NE¼, W½SW¼ NE¼, W½NW¼SE¼NE¼, E½NW¼, W½E½SW¼, NE¼NE¼SW¼, W½ SE¼NE¼SW¼, NW¼NW¼NW¼ SE¼;"

Dated: February 22, 1993.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 93–4973 Filed 3–3–93; 8:45 am]

BILLING CODE 4310–22–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–5750 or (202) 927–6211.

Comments on the following assessment are due 15 days after the date of availability.

Comments on the following assessment are due 30 days after the date of availability.

AB–6 (Sub–No. 345X), Burlington Northern Railroad Company—Abandonment—Between Pacific and

Lewis Counties, Washington. EA available 2/26/93.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4981 Filed 3–3–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, on January 12, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") filed a written notification on behalf of Bellcore and RAM Mobile Data USA Limited Partnership ("RAM Mobile Data") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Bellcore, Livingston, NJ; and RAM Mobile Data, Woodbridge, NJ. Bellcore and RAM Mobile Data entered into an agreement effective as of December 3, 1992 to engage in cooperative research directed to exploring technologies for personal communications applications involving two-way messaging, including the interconnection of wireless and local exchange carrier networks, the application of the technologies for exchange and exchange access services, and prototype fabrication for experimental demonstration of the technologies.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–4962 Filed 3–3–93; 8:45 am]

BILLING CODE 4410–01–M

Pursuant to the National Cooperative Research Act of 1984—Cable Television Laboratories, Inc.

Notice is hereby given that, on December 4, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Cable Television Laboratories, Inc. ("CableLabs") and Digital Equipment Corporation ("Digital") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are CableLabs, Boulder, CO; and Digital, Marlboro, MA.

The area of planned activity is cooperation in the exchange of information about and development of interface concepts between existing data protocols and cable system networks for the transmission, compression/decompression, and storage of data for applications such as multimedia signals, electronic mail, and telecommuting.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–4963 Filed 3–3–93; 8:45 am]

BILLING CODE 4410–01–M

Pursuant to the National Cooperative Research Act of 1984—IBACoS, Inc.

Notice is hereby given that, on December 29, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), IBACoS, Inc., (formerly ABACoS Development, Inc. ("ABACoS")), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes. ABACoS changed its corporate name and added member companies' subsidiaries to its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ABACoS changed its name to IBACoS, Inc. and deemed Delta Faucet, Indianapolis, IN; Aqua Glass, Adamsville, TN; Kraftmaid Cabinetry Inc., Middlefield, OH; Ryland Homes Southwest Region, Dallas, TX; Ryland Homes West Region, Scottsdale, AZ; Ryland Homes Midwest Region, Cincinnati, OH; Ryland Homes Southeast Region, Roswell, GA; Ryland Homes Mid-Atlantic Region, Columbia, MD; United States Gypsum Co., Chicago, IL; USG Interiors Inc., Chicago, IL; USG International, Ltd., Chicago, IL; L&W Supply Corp., Chicago, IL; and Burt Hill/Pollock Krieg Architects, Inc., Fort Meyers, FL subsidiaries of its shareholders and therefore parties to IBACoS for purposes of agreements relating to its research and development. No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IBACoS intends to file additional written notification disclosing all changes in membership.

On April 6, 1992, ABACoS, (now IBACoS, Inc.), filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on May 6, 1992, 57 FR 19442.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–4964 Filed 3–3–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Office will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the

recordkeeping/reporting requirements and the average hours per respondent.
The number of forms in the request for approval, if applicable.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 219–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

New

Assistant Secretary for Policy
Case Studies on the Impact of the Immigration Nursing Relief of 1989 in Five Labor Markets
One-time survey
Individuals or households; Businesses or other for-profit; Non-profit institutions

Title	Number of respondents	Average time per response (hour)
Attesting (H1A) hospitals:		
CEO/Interview	30	1
Nursing Director/Interview	30	1
Human Resources Director/Interview	30	1
Human Resources Director/Compensation Survey	30	1
Registered Nurse/Interview	90	1
Medical Director/Interview	30	½
Union Representative/Interview	30	1
Non-attesting hospitals:		
CEO/Interview	30	1
Nursing Director/Interview	30	1
Human Resources Director/Interview	30	1
Human Resources Director/Compensation Survey	60	1
Registered Nurse/Interview	600	1
Medical Director/Interview	30	½
Union Representative/Interview	30	1
Nursing schools:		
Nursing School Administrator/Interview	25	1
1,915 total hours		

This proposed information collection will enable the Immigration Nursing Relief Advisory committee to assess the impact of Public Law 101–238. Affected are selected hospitals and educational institutions in five labor markets, with individual respondents including administrators, human resource personnel, medical staff, union representatives and registered nurses.

Signed at Washington, DC, this 24th day of February 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–4941 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-25-M

Employment and Training Administration

[TA–W–27, 920]

Bell Hellicopter, Fort Worth, TX; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Bell Hellicopter, Fort Worth, Texas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–27,920; Bell Hellicopter
Fort Worth, Texas (January 19, 1993)

Signed at Washington, DC this 23rd day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–4935 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Brazier Forest Industries, Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 15th day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Brazier Forest Industries, Inc. (Co)	Molalla, OR	02/16/93	02/02/93	28,317	Softwood dimensional lumber.
Boslens' Well Service Co. (Co)	Thermopolis, WY	02/16/93	11/02/92	28,318	Oil well servicing.
Demford Mfg. Co. (Wkrs)	Lebanon, PA	02/16/93	02/04/93	28,319	Ladies' tops, skirts and sweatshirts.

APPENDIX—Continued

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Cytemp Specialty Steel (Wkrs)	Titusville, PA	02/16/93	02/02/93	28,320	Billet-bar-flat s-shapes.
Charland Sports wear (Wkrs)	Charleroi, PA	02/16/93	02/01/93	28,321	Ladies' skirts, Shorts, and slacks.
C.H.C. Gerard and Assoc. (Co)	Shreveport, LA	02/16/93	01/29/93	28,322	Oil and gas.
Matchbox Toys (USA) LTD (Wkrs)	Moonachie, NJ	02/16/93	02/05/93	28,323	Die-cast toys.
Auburn Technology, Inc. (USW)	Auburn, NY	02/16/93	01/14/93	28,324	Diesel engine parts.
UNOCAL Corp.-Bakersfield Dist. (Wkrs)	Bakersfield, CA	02/16/93	12/30/92	28,325	Oil and gas.
UNOCAL Corp.-Ventura Dist. (Wkrs)	Ventura, CA	02/16/93	12/30/92	28,326	Oil and gas.
UNOCAL Corp.-Santa Maria Dist. (Wkrs)	Orcutt, CA	02/16/93	12/30/92	28,327	Oil and gas.
UNOCAL Corp.-Santa Fe Springs Dist (Wkrs)	Santa Fe Springs, CA	02/16/93	12/30/92	28,328	Oil and gas.
Optek Technologies (Wkrs)	El Paso, TX	02/16/93	12/09/93	28,329	Electronics components.
Northern Telecom Inc. (Co)	Morton Grove, IL	02/16/93	02/04/93	28,330	Telecommunications components.
XY Resources, Inc. (Wkrs)	Ardmore, OK	02/16/93	01/23/93	28,331	Metal fabricated products.
TK International, Inc. (IWU)	Tulsa, OK	02/16/93	02/03/93	28,332	Jet engines.
Struthers Wells Corp (IAMAW)	Warren, PA	02/16/93	01/20/93	28,333	Heat exchangers and pressurizes.
SynderGeneral Corporation (Wkrs)	Elizabethton, TN	02/16/93	02/02/93	28,334	Air filtration equipment.
Richard and Trute Tool and Die (Wkrs)	Warren MI	02/16/93	02/01/93	28,335	Stamping dies.
Nancy Fashions of Noxen Inc. (Wkrs)	Tunkhannock, PA	02/16/93	02/01/93	28,336	Ladies' dresses.
Link-Belt Construction Equip. Co. (Co)	Lexington, KY	02/16/93	01/04/93	28,337	Cranes and Excavators.
HECLA Mining Company (Co)	Mullan, ID	02/16/93	02/02/93	28,338	Lead-zinc-silver.
Globe Personnel Consultants (Wkrs)	Humble, TX	02/16/93	12/26/92	28,339	Oil and gas.
Giddings and Lewis Automation (IAM)	West Allis, WI	02/16/93	01/26/93	28,340	Machine tools.
Echo Ultrasound (Wkrs)	Reedsville, PA	02/16/93	02/02/93	28,341	Bi-plane and single planes.
Mobil Natural Gas Inc. (MNGI) (Wkrs)	Houston, TX	02/16/93	01/25/93	28,342	Natural gas.
Kearney and Trecker Corp. (IAM)	West Allis, WI	02/16/93	02/01/93	28,343	Machine tools.

[FR Doc. 93–4939 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

[TA–W–28, 218]

H & P Garment, Hoboken, NJ; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 19, 1993 in response to a worker petition which was filed on January 5, 1993 on behalf of workers at H & P Garment, Hoboken, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–4934 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

[TA–W–28,190]

Middle Atlantic Warehouse Distributor, Inc., Tonawanda, NY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Middle Atlantic Warehouse Distributor, Inc., Tonawanda, New York. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–28,190; Middle Atlantic Warehouse Distributor, Inc
Tonawanda, New York (February 19, 1993)

Signed at Washington, DC, this 23rd day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–4938 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

[TA–W–26, 553]

Sundor Brands, Inc., Weslaco, TX; Negative Determination on Reconsideration

The Texas Rural Legal Aid, Inc., of Weslaco, Texas submitted a letter dated February 2, 1992 to the Department providing additional information and data to be used in the Department's remand investigation in *Former Employees of Sundor Brands,* v. *Secretary of Labor* (USCIT) 92–03–00177. This letter; however, reached the Office of Trade Adjustment Assistant too late to be included in the supplemental administrative record. However, the Department wants to further address the concerns of the workers and include the new material in a second supplemental record.

The Texas Rural Legal Aid claims that the Sundor Brands' Weslaco facility was closed as a result of imported citrus concentrates. Official government statistics on imports of citrus juice, in value and quantity, were submitted to support this agreement.

The Department found that the claims of the Texas Rural Legal Aid were considered and addressed in the supplemental administrative record. Its true that worker separations occurred when the Weslaco facility ceased concentrate production in 1989. However, these workers are beyond the coverage parameters for a petition dated October 29, 1991.

Actually the domestic and foreign purchases of citrus concentrates kept the bottling and canning portion of the facility open in 1990 and 1991 before it closed in November, 1991.

The Department's investigation found that concentrate production was dependent on the availability of fresh fruit. That availability ceased as of December 1989 as a result of a freeze that destroyed or damaged local fruit trees.

The freeze was the dominant factor that ultimately led to the closure of the plant in November 1991. Efforts to use other sources, after the freeze including imported concentrates, were not cost effective according to company officials.

Other findings on remand show that, after the closure of the Weslaco plant, all production of juices and drinks were transferred to two other domestic corporate facilities and a domestic contractor. A domestic transfer of production would not form a basis for a worker group certification.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment

assistance to former workers of Sundor Brands, Inc., Weslaco, Texas.

Signed at Washington, DC, this 22nd day of February 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 93–4936 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/worker/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Tanya A. Marie, Inc. (Wkrs)	Fall River, MA	02/08/93	01/25/93	28,299	Ladies' and men's coats and jackets.
Stratagraph, Inc. (Co)	Scott, LA	02/08/93	01/29/93	28,300	Oil service.
Syracuse China Corp. (PAWIU)	Syracuse, NY	02/08/93	01/26/93	28,301	Commercial china.
Reltoc Manufacturing Co (ACTWU)	Beaverton, AL	02/08/93	01/28/93	28,302	Men's dress slacks.
Obion E. Denton (Wkrs)	New Albany, MS	02/08/93	01/26/93	28,303	Children's sleepwear.
Pennzoil Production (Pepco) (Wkrs)	W. Neola, UT	02/05/93	01/21/93	28,304	Oil and gas.
Liebert Corp (Wkrs)	Columbus, OH	02/08/93	01/24/93	28,305	Printed circuit boards.
Ingersoll-Dresser (Wkrs)	Harrison, NJ	02/08/93	01/26/93	28,306	Industrial water pumps.
Hurlock Sportswear (ILGWU)	Hurlock, MD	02/08/93	01/27/93	28,307	Women's sportswear.
Evergreen Manufacturing (Wkrs)	Vancouver, WA	02/08/93	01/29/93	28,308	Steel parts.
C.P.S. (Wkrs)	Henderson, KY	02/08/93	01/15/93	28,309	Gift wrap products.
Cooper Power Systems (USWA)	Canonsbury, PA	02/08/93	01/29/93	28,310	Power transformers.
BHP Petroleum (Americas), Inc. (Wkrs)	Houston, TX	02/08/93	01/29/93	28,311	Oil and gas.
Berrong Enterprises, Ltd. (Wkrs)	Houston, TX	02/08/93	01/21/93	28,312	Data processing.
Amerace (IBEW)	Livingston, NJ	02/08/93	01/22/93	28,313	Electronic components.
Airfoil Textron (UAW)	Fostoria, OH	02/08/93	01/25/93	28,314	Aircraft engine compressor blades.
NT.T., Inc. (Co)	Meadville, PA	02/08/93	02/01/93	28,315	Electronic connectors.
Callaway Safety Equipment Co., Inc. (Wkrs)	Hobbs, NM	02/08/93	01/25/93	28,316	Sales service rental.

[FR Doc. 93–4940 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

[TA–W–27,997]

Texaco Exploration & Production, Inc., Eastern E & P Region, New Orleans, LA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Texaco Exploration & Production, Inc., Eastern E & P Region, New Orleans, Louisiana. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–27,997; Texaco Exploration & Production, Inc., Eastern E & P Region, New Orleans, Louisiana (February 18, 1993).

Signed at Washington, DC, this 23d day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–4937 Filed 3–3–93; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–021]

NASA Advisory Council (NAC), History Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, History Advisory Committee.

DATES: March 24, 1993, 1 p.m. to 4:30 p.m.

ADDRESSES: NASA Headquarters, room 1T70, 300 E Street SW., Washington, DC 20277–2028.

FOR FURTHER INFORMATION CONTACT: Dr. Roger D. Launius, History Division, National Aeronautics and Space Administration, Washington, DC 20277–2028, 202/358–0384.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Advisory Committee Executive Order
—Publication Program Status Report
—New Projects
—Twenty-Five Year Anniversary of the Lunar Landing

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: February 26, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–4921 Filed 3–3–93; 8:45 am]

BILLING CODE 7510–01–M

[Notice (93–022)]

NASA Advisory Council Task Force for the Hubble Space Telescope Servicing Mission; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council Task Force for the Hubble Space Telescope Servicing Mission.

DATES: March 8, 1993, 8 a.m. to 4 p.m.; and March 9, 1993, 8 a.m. to 4 p.m.

ADDRESSES: Capital Gallery, suite 300 East, 600 Maryland Avenue, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Mr. William Vantine, Code M, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1698.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The Task Force is reviewing the current status of the Hubble Space Telescope and the procedures for carrying out the servicing. The agenda for the meeting is as follows:

—Servicing Mission Preparations
—Hubble Space Telescope Systems Status
—Development Program
—Mission Scheduling

Public comments on other aspects of satellite rescue and repair will also be solicited at this meeting. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 1, 1993.

John W. Gaff,

Advisory Committee Management Officer.

[FR Doc. 93–5007 Filed 3–2–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMISSION ON CHILDREN

Termination of Commission

The National Commission on Children was created by Public Law 100–203, December 22, 1987 as an amendment to the Social Security Act. The purpose of the law was to establish a nonpartisan Commission directed to study the problems of children in the areas of health, education, social services, income security, and tax policy.

The powers of the Commission are vested in Commissioners consisting of 36 voting members as follows:

1. Twelve members appointed by the President
2. Twelve members appointed by the Speaker of the House of Representatives
3. Twelve members appointed by the President pro tempore of the Senate.

This notice announces the termination of the National Commission on Children on or before April 30, 1993. The Commission has fulfilled its mandate as set forth in Public Law 100–203. For further information, please contact Cheryl D. Hayes at 1111 18th Street, NW., suite 810, Washington, DC 20036, or (202) 254–3800.

John D. Rockefeller IV,

Chairman, National Commission on Children.

[FR Doc. 93–4966 Filed 3–3–93; 8:45 am]

BILLING CODE 4730–47–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cooperative Agreement for the Administration of On-Site Evaluations and Technical Assistance

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement with a qualified organization or individual to assist the Endowment's Expansion Arts Program in the administration of artistic and administrative evaluations of grant applicants and grantees, and in the administration of a limited number of technical assistance projects. The responsibilities of the recipient of the Cooperative Agreement include: coordinating Consultant's travel arrangements; examining and approving Consultant's Travel Expense Reports; disbursing funds to Consultants; and furnishing reports. Those interested in receiving the Solicitation package should reference Program Solicitation PS 93–07 in their written request and include two (2) self-addressed mailing labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 93–07 is scheduled for release approximately March 8, 1993 with proposals due on April 8, 1993.

ADDRESSES: Requests for the Solicitation should be addressed to National Endowment for the Arts, Contract Division, room 217, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Anna Mott or William I. Hummel, Contracts Division, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202) 682–5482.

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 93–4961 Filed 3–3–93; 8:45 am]

BILLING CODE 7537–01–M

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership Advisory Panel (State and Regional Section) will be held on March 29, 1993 from 9 a.m.–5:30 p.m. and March 30 from 8:30 a.m.–5 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington DC 20506.

This meeting will be open to the public on a space available basis. The topics will include opening remarks, review of Arts in Underserved Communities applications, policy discussion, and guidelines review.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee

Management Officer, National Endowment for the Arts, Washington DC 20506, or call (202) 682–5439.

Dated: February 24, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4965 Filed 3–3–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Instrumentation and Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: Monday, March 22, 1993; 8:30 a.m.–6 p.m. Tuesday, March 23, 1993; 8:30 a.m.–6 p.m.

Place: International Room, Hotel Lombardy, 2019 I St. NW., Washington, DC 20006.

Type of Meeting: Closed.

Contact Person: Dr. Peter W. Arzberger, Program Director, Biological Instrumentation and Resources, room 312, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7652.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Database Activities proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4952 Filed 3–3–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Computer and Computation Research; Notice of Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Computer & Computation Research.

Date: March 23, 1993.

Time: 8:30 a.m.–5 p.m.

Place: St. James Hotel, 950 24th St., NW., Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluate Research Initiation proposals.

Contact: Dr. Bruce H. Barnes, Deputy Division Director, Computer and Computation Research, National Science Foundation, rm. 304, Washington, DC 20550, (202) 357–9747.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4958 Filed 3–3–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design and Manufacturing Systems; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Date & Time: March 30, 1993; 8:30 a.m. to 5:30 p.m.

Place: The Inn at Foggy Bottom, 824 New Hampshire Ave., NW., Washington, DC.

Contact Person: Drs. B. Kramer and K. Srinavasan, Program Directors, Division of Design and Manufacturing Systems, rm. 1128, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–5167.

Agenda: To review and evaluate Manufacturing and Processing Equipment Research Initiation and Equipment proposals as part of the selection process for awards.

Date & Time: March 31, 1993; 8:30 a.m. to 5:30 p.m.

Place: Rm. 500 E, National Science Foundation, 1110 Vermont Ave., NW., Washington, DC.

Contact Person: Dr. F. Stan Settles, Program Director, Division of Design and Manufacturing Systems, rm. 1128, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–5167.

Agenda: To review and evaluate Integrated Engineering and Engineering Design Research Initiation and Equipment proposals as part of the selection process for awards.

Date & Time: March 31, 1993; 8:30 a.m. to 5:30 p.m.

Place: Rm. 500 D, National Science Foundation, 1110 Vermont Ave., NW., Washington, DC.

Contact Person: Dr. F. Hank Grant, Program Director, Division of Design and Manufacturing Systems, rm. 1128, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone (202) 357–5167.

Agenda: To review and evaluate Operations Research and Production Systems' Research Initiation and Equipment proposals as part of the selection process for awards.

Date & Time: April 1, 1993; 8:30 a.m. to 5:30 p.m.

Place: Rms. 500 C & D, National Science Foundation, 1110 Vermont Ave., NW., Washington, DC.

Contact Person: Dr. F. Hank Grant, Program Director, Division of Design and Manufacturing Systems, rm. 1128, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–5167.

Agenda: To review and evaluate Engineering Research Deployment Teaching Initiative proposals as part of the selection process for awards.

Type of Meetings: Closed

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4953 Filed 3–3–93; 8:45 am]

BILLING CODE 7555–01–M

Division of Environmental Biology; Notice Of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Name: Advisory Panel for Ecology.

Date & Time: March 31–April 2, 1993, 8 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street NW., Washington, DC.

Contact Person: Dr. Laurel Fox, rm. 215, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9734.

Agenda: To review and evaluate Ecology proposals as part of the selection process for awards.

Name: Advisory Panel for Ecosystem Studies.

Date & Time: March 31–April 2, 1993, 8 a.m. to 5 p.m.

Place: Room 1243, National Science Foundation, 1800 G Street, NW., Washington, DC.

Contact Person: Dr. Richard Dame, Room 215 National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 375–9734.

Agenda: To review and evaluate Ecosystem Studies Proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4954 Filed 3–3–93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Environmental Biology; Notice Of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 25 & 26, 1993, 8 a.m.–5 p.m.

Place: Room 1243, National Science Foundation, 1800 G Street NW. Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. James Rodman, rm. 215, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9588.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Research Planning Grants and Career Advancement Award proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; anti personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4956 Filed 3–3–93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 23–24, 1993 (9 a.m. to 5 p.m.).

Place: National Science Foundation, Vermont Avenue Building, 1110 Vermont Avenue, NW., room 500A, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. William Y. Velez, Program Director, Division of Mathematical Sciences, Room 339, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–3693.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the DMS Research Opportunities for Women & Minority Research Initiation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4955 Filed 3–3–93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Microelectronic Information Processing Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Microelectronic Information Processing Systems.

Date and Time: March 26, 1993 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW, Washington, DC 20550, Conference Rooms: 543, 306, 417, 414A, 414B.

Type of Meeting: Closed.

Contact Person: Dr. John R. Lehmann, Deputy Division Director, Microelectronic Information Processing Systems Division, National Science Foundation, room 414, Telephone No.: 202–357–7373.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate FY 93 Research Initiation Award (RIA) proposals in the Microelectronic Information Processing Systems area of research.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature including technical information; financial data such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4957 Filed 3–3–93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: IAEA Form N–71—Design Information Questionnaire

3. The form number if applicable: IAEA Form N–71

4. How often the collection is required: Once.

5. Who will be required or asked to report: Licensees of facilities on the U.S. eligible list who have been notified in writing by the Commission to submit the form.

6. An estimate of the number of responses annually: One.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 360

8. An indication of whether Section 3504(h), Pub. L. 95–511 applies: Not applicable.

9. Abstract: Licenses of facilities that appear on the U.S. eligible list, pursuant to the USD/IAEA Safeguards Agreement, and who have been notified

in writing by the Commission, are required to complete and submit a Design Information Questionnaire, IAEA Form N–71.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room 2120 L Street, NW (Lower Level), Washington, DC

Comments and questions may be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0056), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 396–3084. The NRC Clearance Office is Brenda J. Shelton, (301) 492–8132. Dated at Bethesda, Maryland, this 24th day of February 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93–4948 Filed 3–3–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–6659]

Petrotomics Company; Draft Finding of No Significant Impact Regarding the Construction of Evaporation Ponds at the Shirley Basin Mill Located in Carbon County, WY

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Draft finding of no significant impact.

1. Proposed Action

The proposed administrative action is to authorize the construction of additional evaporation ponds at the Shirley Basin mill by revision to Source Material License SUA–551.

2. Reasons for the Draft Finding of No Significant Impact

The Shirley Basin mill, owned and operated by Petrotomics Company, is a decommissioned uranium mill site. Activities authorized under SUA–551 include site reclamation and ground-water corrective actions. As part of Petrotomics' proposed modification to the ground-water corrective action plan, the licensee requested authorization to construct two additional evaporation ponds on the partially reclaimed site tailings impoundment. The NRC staff evaluated the evaporation pond design to assess the potential environmental impacts which could result if the proposed pond design were approved. Documents used to prepare the evaluation include licensee submittals entitled "Corrective Action Modifications, Upper Wind River Sand" dated January 1992, and "Supplement to Applicant's Environmental Report for Expanded Evaporation System-Corrective Action Plan" dated November 1992. Other submittals necessary for the evaluation of the licensee's proposal include the Environmental Report for the Shirley Basin Mill dated April 1, 1981, the Environmental Assessment issued in 1984 by the NRC, and information forwarded to the NRC by letters dated May 7, 1992, and January 8 and January 13, 1993.

The following statements support the draft Finding of No Significant Impact and summarize the environmental assessment.

A. In accordance with 10 CFR 51.60, the NRC does not require an Environmental Report for the type of license amendment request submitted by the licensee.

B. The evaporation ponds will be constructed within the main tailings embankment, which would be 10 feet higher than the crest of the proposed interior pond dikes. The design for the main tailings embankment was previously evaluated and approved in the NRC Environmental Assessment for the Shirley Basin mill in 1984.

C. There would be no additional natural resource commitments with implementation of the licensee's proposed pond design and location.

D. There would be no potential for spillage of recovered seepage. Also, there would be no potential for environmental damage due to a delay in identifying failure of a pond system component.

E. There would be no environmental impacts due to additional disturbance to the land or to the ecological system in the Shirley Basin mill area.

F. The proposed evaporation ponds should be adequate for storing effluent recovered as part of the Shirley Basin mill ground-water corrective action plan.

In accordance with 10 CFR 51.33(a) and the Memorandum of Understanding between the Environmental Protection Agency and the Commission (October 25, 1991, 56 FR 55432), the Director, Uranium Recovery Field Office made the determination to issue a draft finding of no significant impact and to accept comments on the draft finding for a period of 45 days after issuance in the **Federal Register**.

This finding and the environmental assessment setting forth the basis for the finding, are available for public inspection at the Commission's Uranium Recovery Field Office at 730 Simms Street, Denver, Colorado, and at the Commission's Public document Room at 2120 L Street, NW., Washington, DC.

Dated at Denver, Colorado, this 22nd day of February 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director.

[FR Doc. 93–4947 Filed 3–3–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 72–8 (50–317/318)]

Baltimore Gas & Electric Company Calvert Cliffs Nuclear Power Plant; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition of December 21, 1992, the Maryland Safe Energy Coalition requested that the Nuclear Regulatory Commission institute a proceeding pursuant to 10 CFR 2.202 with regard to the Independent Spent Fuel Storage Installation (ISFSI) at the Calvert Cliffs Nuclear Power Plant. The Petitioner requests that the NRC: (1) Halt the transfer of nuclear waste from the spent fuel pool at the Calvert Cliffs Plant to the ISFSI until certain alleged safety problems have been fully investigated and solved; (2) implement its Petition to reopen hearings and testimony for further rulemaking and regulation of nuclear waste storage at the plant; and (3) deny a Certificate of Compliance and suspend the license issued to the Baltimore Gas & Electric Company (BG&E) for dry cask storage of spent fuel until the concerns set forth in the Petition are addressed by the NRC and BG&E. The Petitioner asserts as basis for these requests that several relevant omissions from past NRC hearings, expert testimony, and rulings may seriously impact the safe operation of dry cask storage of spent fuel at Calvert Cliffs. In addition, new information allegedly proves the inadequacy of the NRC's and BG&E's evaluations of this spent fuel storage, to wit: That the Cove Point Natural Gas Plant, which is expected to resume operation in 1993, is a potential danger to safe storage that has not been analyzed, and failure to analyze it is a violation of NRC procedure. The Petitioner also alleges that safety problems related to the ISFSI at the Calvert Cliffs Plant exist with regard to the following matters: The thermal limits of passively cooled concrete vaults may be exceeded if the air convection ports become blocked, which could also damage the fuel in the canisters, increase the temperature of the canister beyond the design limits, or

increase embrittlement; the NRC has failed to require radiation limitations at the air inlets and outlets, which are the points of greatest risk, or to require inspection for canister embrittlement, corrosion or leakage, or internal canister monitoring; the NRC is permitting defective (leaking) fuel to be transferred to the dry casks without limits in quantity; if the thermal limits of the concrete in the ISFSI are exceeded, the canisters may become irretrievable; and dry cask storage has not been adequately tested.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by section 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of this Petition is available for inspection in the Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555, and at the Local Public Document Room at the Calvert County Public Library, 30 Duke Street, P.O. Box 405, Prince Frederick, Maryland, 20678.

Dated at Rockville, Maryland, this 24th day of February 1993.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 93–4945 Filed 3–3–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would modify the exiting steam generator tubes repair (plugging/sleeving) limits in the Technical Specifications. The change is justified based on a combination of enhanced inservice inspection, a repair limit based on crack length rather than crack depth and a limit on the number of tubes with characterized cracks retained in service.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 5, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner mut provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such supplement which satisfies these requirements with respect to at last one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 343–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford,

Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 29, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 25th day of February 1993.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–4946 Filed 3–3–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1992

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1992.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive and Management Policy, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1992 whether or not they were still career reserved on December 31, 1992. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992

Agency, organization	Career reserved positions
Action:	
Office Inspector General	Inspector General.
Assoc Director for Mgmt & Budget	Associate Director for Management & Budget.
	Asst Dir for Financial Management.
Administrative Conference of the U.S.:	
Administrative Conference of the U.S.	Executive Director.
	Research Director.
	General Counsel.
Advisory Council on Historic Preservation:	
Olc of the Exec Director	Executive Director.
Department of Agriculture:	
Olc of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
	Dep Asst Insp Gen for Invest Immediate Office.
Office of Asst Sec'y Administration	Deputy Chief Financial Officer.
Office of Operations	Director Office of Operations.
	Deputy Dir for Procurement & Real Property.
	Dep Dir for E/S, Real Property, F/P Division.
Office of Finance and Management	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
Farmers Home Administration	Deputy Administrator for Management.
	Assistant Administrator, Finance office.
	Asst Admr for Automated Information Services.
Federal Crop Insurance Corporation	Asst Admr, Community and Business Programs.
	Asst Mgr for Actuarial & Underwriting Svcs.
	Assistant Manager for Administration.
	Assistant Manager for Insurance Services.
	Asst Manager for Research & Development.
Rural Development Administration	Asst Admr Fin Prog.
Agricultural Marketing Service	Deputy Administrator, Management.
	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Dir, Commodity Scientific Support Division.
	Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Animal & Plant Health Inspection Service	Deputy Administrator for Management & Budget.
	Assoc Dep Administrator for Mgt. & Budget.
	Dep Admr. Regulatory Enforcement/Animal Care.
Veterinary Services	Asst Deputy Administrator, Domestic Programs.
	Dir Natl Veterinary Services Labs, Ames.
	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Assistant Deputy Administrator.
	Dep Admr. Animal Damage Control.
	Dir, Operational Support, Veterinary Services.
Plant Protection & Quarantine Service	Dep Admr, International Services.
	Director Northeastern Region.
	Director, South Central Region.
	Director, Western Region.
	Director, Southeastern Region.
	Asst to the Asst Dep Admr, Natl Programs, PPQ.
	Director Operational Support PPQ.
Science and Technology	Director Science and Technology.
Federal Grain Inspection Service	Dir Field Management Division.
Food Safety and Inspection Service	Asst Deputy Admin Technical Services.
	Dep Admir-Administrative Mgmt.
	Dir Northeast Region, Phila., Pa.
	Regl Director, Atlanta, Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Asst Dep Admr Comp & Staff Operations.
	Asst Dep Admr, Scientific Staff Services.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Dep Admr Interni Programs.
	Asst to the Dep Admr International Programs.
	Asst Deputy Administrator.
	Regional Director.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
Food & Nutrition Service	Deputy Admin for Financial Management.
	Deputy Admr for Management.
Agricultural Stabilization & Conservation Service	Accounting Officer.
	Director, Budget Division.
Foreign Agricultural Service	Director, Tobacco Cotton & Seeds Division.
	Dir, Grain & Feed Div.
	Dir, Oilseeds & Prod Div.
	Dir, Dairy, Livestock & Poultry Div.
	Deputy Assistant Administrator Export Credits.
	Dep Asst Admr, Interni Agric Statistics.
	Deputy Asst Administrator for Management.
Agriculture Research Service	Dep Admr for Adm Mgmt.
	Assoc Dep Admin for Administrative Management.
	Asst Adm for Cooperative Interactions.
	Global Change Research Staff Assistant.
	Corr for Sci & Educ Agencies for Intl Activ.
National Program Staff Office	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
	Associate Dep Administrator, Animal Sciences.
Beltsville Area Office	Dir, Beltsville Human Nutrition Research Ctr.
	Director Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Assoc Dep Admr, Natural Resources/Systems.
	Associate Deputy Admin Genetic Resources.
	Associate Deputy Administrator.
	Supervisory Research Chemist.
	Dir Beltsville Human Nutrition Research Ctr.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Research Programs Director.
	Director, North Atlantic Area.
South Atlantic Area Office	Assoc Dir, North Atlantic Area.
	Res Leader—Plant Physio & Photosynthesis Res.
	Director, South Atlantic Area.
	Associate Dir, South Atlantic Area.
	Director, Russell Research Center.
	Supervisory Research Geneticist.
	Supervisory Research Physiologist.
	Director, South Atlantic Area.
Midwest Area Office	Dir, Northern Regional Research Center.
	Dir, Midwest Area.
	Dir, Northern Regional Research Ctr.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Supervisory Research Chemist.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Midsouth Area Office	Supervisory Research Geneticist (Plants).
	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid-South Area.
Central Plains Area Office	Dir, Nat:L Animal Disease Ctr.
Southern Plains Area Office	Director, Southern Plains Area.
	Director, Conservation & Production Res Lab.
	Assoc Dir, Southern Plains Area.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir, R.L. Hruska US Meat Animal Res Center.
	Supervisory Soil Scientist.
Northwest Area Office	Director, Northwest Region.
Pacific West Area Office	Director, Western Regional Research Center.
	Director, U.S. Salinity Laboratory.
	Res Leader, Natural Products Chemistry Res.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Director, Plant Gene Expression Center.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Supervisory Research Plant Pathologist.
	Supervisory Research Plant Pathologist.
	Supervisory Soil Scientist.
	Supervisory Soil Scientist.
Cooperative State Research Service	Assoc Administrator for Grants & Program Sys.
Extension Service	Deputy Admin Management.
Soil Conservation Service	Director, Engineering Division.
	Dir, Ecological Sciences and Technology Divisl.
	Dep Chf for Administration.
	Dir, Consv Planning and App.
	Director, Watershed Projects Division.
	Dir, Basin & Area Planning (Soil Conserv).
	Assoc Dep Chief for Administration.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
	Dir, Information Res Management Division.
	Dir, South National Technical Center.
Forest Service	Associate Deputy Chief for Technology Sci Tec.
	Dep Chf for Administration.
	Associate Deputy Chief-Administration.
	Dir Forest Pest Mgmt Staff.
	Dir Fiscal and Accounting Management.
	Associate Deputy Chief for Administrator.
	Director, Fire and Aviation Staff.
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Director, Forest Resource Economics Staff.
	Dir Forest Prod & Harvesting & Research Staff.
	Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
	Dir Ecological Management.
	IPA Assignment.
State & Private Forestry	Dir of Area Planning & Dev Staff.
	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir Intermountain Forest & Range Exp Stat, Ogd.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Dir, S. Forest Experiment Station, New Orlean.
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
	Deputy Regional Forester.
International Forest System	Associate Deputy Chief.
Economic Research Service	Admr, Economic Research Service.
	Associate Administrator-Economic Rsch Svc.
	Director Agriculture & Trade Analysis Div.
	Director Commodity Economics Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Director Resources & Technology Division.
	Director Agriculture & Rural Econ Division.
	Dep Admin For Info Res & Mgt Oper.
Economics Management Staff	Director, Economics Management Staff.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv.
	Deputy Administrator for Operations.
	Dir Estimates Div.
	Dir, Research and Applications Division.
	Dir, State Statistical Division.
	Deputy Administrator for Programs.
	Dir, System & Information Division.
	Director, Survey Management Division.
World Agricultural Outlook Board	Chairperson.
	Dep Chairperson.
Office of Energy	Director, Office of Energy.
Board for International Broadcasting:	
Board of International Broadcasting	Inspector General.
Board Staff	Exec Director.
	Dir for Research & Engineering.
	Dep Exec Director/Director of Program Review.
	General Counsel.
	Director of Financial & Congressional Affairs.
Department of Commerce:	
Office of Technology	Executive Director.
Office of the General Counsel	Asst General Counsel for Finance & Litigation.
	Director, Office of Intelligence Liaison.
Ofc of Asst Secy for Administration	Dir for Federal Asst & Management Support.
	Dir for Financial Management.
Director for Management and Information	Dir for Information Resources Management.
Director for Procurement & Administrative Services	Director for Procurement & Admin Services.
	Dep Dir for Procurement & Admin Services.
	Director, Office of Security.
	Deputy Director for Procurement.
Office of Human Resources Management	Director for Human Resources Management.
	Deputy Director of Personnel.
Director for Planning Budget and Evaluation	Director, Office of Budget.
Ofc of the Under Secy for Economic Affairs	Dep Asst Secy for Statistical Affairs.
	Dir Office of Business Analysis.
Bureau of Economic Analysis	Director.
	Dep Dir, Bur of Economic Analysis.
	Assoc Dir for Natl Economic Accounts.
	Assoc Dir for Regional Economics.
	Assoc Dir for International Economics.
	Chief Economist.
	Chf Statistician.
	Asst to the Director for Econometrics.
	Chf, Nat'l Income & Wealth Div.
	Chief, Business Outlook Div.
	Chief International Investment Division.
Bureau of the Census	Dep Dir.
	Asst Director for Adp.
	Prog Mgr, Computer-Assisted Survey Info Coll.
	Chief, Technical Services Division.
	Assoc Dir for Management Services.
	Chief, Personnel Division.
	Chief Admin & Publications Services Division.
	Senior Program Analyst.
	Asst Dir for Administration.
	Associate Director for Administration.
	Chief Data User Services Division.
	Chief, Computer Services Division.
Demographic Programs	Associate Director for Demographic Fields.
	Chf, Population Div.
	Chief Demographic Surveys Division.
	Chf, Housing & Household Econ Statistics Div.
	Chief, Statistical Methods Division.
	Chief Intl Statistical Programs Center.
Decennial Census	Associate Director for the Decennial Census.
	Asst Dir for Publicity and Outreach.
	Chf, Geography Div.
	Chief Decennial Management Division.
	Chief, Decennial Statistical Studies Div.
Statistical Design Methodology and Standards	Assoc Dir for Statistical Standards & Methodo.
	Chief, Year 2000 Res & Dev Staff.
	Chief Statistical Research Division.
	Senior Program Analyst.
Field Operations	Assoc Dir for Field Operations.
	Chief, Field Division.
	Chief, Data Preparation Division.
Economic Programs	Associate Director for Economic Programs.
	Assistant Director for Economic Programs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Chief, Agriculture Div.
	Chf, Business Div.
	Chf, Construction Statistics Div.
	Chief Economic Census & Surveys Division.
	Chf, Foreign Trade Div.
	Chf, Government Div.
	Chf, Industry Div.
	Chief, Economic Statistical Methods Division.
	Chief, Economic Programming Division.
Institute for Telecommunications Sciences	Assoc Admr for Telecommunications Science.
	Deputy Dir for Systems & Networks.
	Deputy Director for Spectrum.
Economic Development Administration	Dep Director for Program Operations.
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Insp. Gen for Compl & Audit Resolution.
	Deputy Assistant Inspector Gen for Auditing.
	Asst Insp Gen for Plng, Eval & Inspections.
	Counsel to the Inspector General.
	Dep Asst Insp Gen for Insp & Res.
Ofc of the Under Sec for Export Administration	Director of Administration.
Ofc of Asst Secy for Trade Development	Director Office of Consumer Goods.
Ofc of Dep Asst Secy for Compliance	Dir, Office of Agreements Compliance.
	Dir, Office of Antidumping Compliance.
Ofc of Dep Asst Secy for Investigations	Dir, Office of Antidumping Investigations.
	Dir, Office of Countervailing Investigations.
National Oceanic and Atmospheric Administration	Dir for High Performance Computing Commun.
	Dir, NOAA Coastal Ocean Program Office.
Systems Program Office	Director, Systems Engineering Staff.
	ASOS Program Manager.
	Nexrad Program Manager.
	GOES Program Manager.
	Ch/Awl Interactive Processing System/ 1990's.
	Fleet Modernization Program Manager.
Office of Administration	Dir for Information Systems & Finance.
	Director for Personnel & Civil Rights.
	Dir for Procurement, Grants & Adm Services.
National Marine Fisheries Service	Senior Scientist for Fisheries.
	Dir, Ofc of Research & Environmental Info.
Fisheries Resource Management	Director, Office of Enforcement.
Fisheries Centers	Science & Research Dir Northeast Region.
	Science & Research Dir.
	Science & Research Dir Southwest Region.
	Science & Research Dir.
	Science and Research Director.
Deputy Asst Admr for Satellites	Dir, Natl Oceanographic Data Center.
	Director, National Climatic Data Center.
	Dir, National Geophysical Data Center.
	POES Program Manager.
	Dir, Ofc of Sys Development.
Office of Oceanic and Atmospheric Research	Director, Forecast Systems Laboratory.
Office of Oceanic Research Programs	Dep Dir, Ofc of Oceanic Research Programs.
	Program Director for Weather Research.
Environmental Research Laboratories	Dep Dir, Environmental Research Laboratories.
	Associate Director for Science & Data.
	Dir, Climate Monitoring & Diagnostics Lab.
Atlantic Oceanographic and Meterological Labs	Dir, Atlantic Oceanographic & Meteorological.
	Depy Dir, Atlantic Oceanographic & Meteorologi.
	Dir, Space Environment Laboratory.
Wave Propagation Lab	Director.
Aeronomy Lab	Director, Aeronomy Laboratory.
Geophysical Fluid Dynamics Laboratories	Director.
	Supervisory Rsch Meterologist.
	Supervisory Rsch Meterologist.
	Supervisory Rsch Meterologist.
Great Lakes Environmental Research Lab	Dir, Great Lakes Environmental Research Lab.
National Severe Storms Laboratory	Dir, Nat'l Severe Storms Lab.
Air Resources Laboratory	Director, Air Resources Laboratory.
Pacific Marine Environmental Lab	Dir, Pacific Marine Environmental Lab.
National Ocean Services	Chf, Marine Analysis & Interpretation Div.
	Dir, Office of Ocean & Earth Sciences.
	Senior Scientist for Ocean Services.
	Chief, Ocean Observation Division.
Ocean Resources Conservation and Assessment	Chief, Ocean & Lake Levels Division.
	Chf, Strategic Environmental Assessments Div.
	Chf, Hazardous Materials R & A Division.
	Chief Costl Monitoring Bioeffects Assessments Div.
	Chf, Physical Oceanography Division.
Charting and Geodetic Services	Chief, Geosciences Laboratory.
	Assoc Dir, Ofc of Aeronautical Charting & Cart.
National Weather Service	Director, NOAA Data Buoy Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Chief, Management and Budget Staff.
	Chief, International Affairs Division.
	Chf, Ofc of the Fed Coordinator for Meteorolg.
	Deputy Assistant Administrator for Operations.
	Dir, NEXRAD Operational Support Facility.
	Dir of Scientific & Academic Affairs.
	Transition Dir, Transition Prog Ofc.
Office of Meteorology	Dir, Office of Meteorology.
	Chief Operations Division.
	Chf, Prog Requirements & Plng Division.
Office of Hydrology	Director, Office of Hydrology.
	Chief, Hydrologic Services Division.
	Chief, Hydrologic Research Laboratory.
Office of Systems Operations	Chief, Engineering Division.
	Chief, Systems Operations Center.
	Chief, Systems Integration Division.
	Dir, Office of Systems Operations.
Office of Systems Development	Director, Office of Systems Development.
	Chief, Integrated Systems Laboratory.
	Chief, Techniques Devel Laboratory.
	Chief, Advanced Devel & Demonstration Lab.
	Dep Dir, Office of Systems Development.
National Meteorological Ctr.	Director National Meteorological Center.
	Deputy Director.
	Director, Climate Analysis Center.
	Chief, Automation Division.
	Chief, Development Div.
	Chf, Meteorological Operations Division.
	Dir, Natl Severe Storms Forecast Center.
	Director Natl Hurricane Center.
Regional Offices & Centers	Dir Southern Region, Ft Worth.
	Dir, Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir Eastern Region NWS.
	Director Central Region.
National Institute of Standards and Technology	Director for Quality Programs.
	Dep Dir, Ofc of Quality Programs.
	Assoc Dir for Tech & Business Assessment.
Office of Associate Director	Director for International & Academic Affairs.
	Deputy Director for International Affairs.
	Deputy Director for Academic Affairs.
Advanced Technology Program	Dep Director, Advanced Technology Program.
	Director, Advanced Technology Program.
Technology Services	Deputy Director, Technology Services.
	Dir, Ofc of Technol Evaluation & Assessment.
Office of Technology Commercialization	Dir, Office of Technology Commercialization.
Office of Measurement Services	Chf, Phy Meas S/P Ofc of Measurement Services.
	Director, Office of Measurement Services.
Office of Standards Services	Dir, Office of Standards Services.
Electronics and Electrical Engineering Laboratory	Dir, Electronics & Electrical Eng Laboratory.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Electricity Division	Chief, Electricity Division.
Electromagnetic Technology Division	Chf-Electromagnetic Technology Division.
Semiconductor Electronics Division	Chief Semiconductor Electronics Division.
	Senior Research Scientist.
Manufacturing Engineering Laboratory	Dir, Manufacturing Engineering Laboratory.
	Chief, Automated Production, Technology Div.
	Manager for Industrial Relations.
	Program Manager Automated Manufacturing Res.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Robot Systems Division	Chief, Robot Systems Division.
Factory Automation Systems Division	Chief, Factory Automation Systems Division.
Physics Laboratory	Director, Physics Laboratory.
	Physicist (Nuclear).
	Coordinator of Radiation Measurement Services.
	Coordinator of Program Development.
	Deputy Director, Physics Laboratory.
Ionizing Radiation Division	Chief Ionizing Radiation Division.
Fundamental Constants Data Center	Mgr, Fundamental Constants Data Center.
Molecular Physics Division	Chief, Molecular Physics Div.
Quantum Metrology Division	Chief, Quantum Metrology Division.
Atomic Physics Division	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist.
	Senior Scientist & Fellow of JILA.
	Senior Scientist & Fellow of JILA.
Electron and Optical Physics	Group Leader for FAR Ultraviolet Physics.
Chemical Science and Technology Laboratory	Dir, Chemical Sci & Technology Laboratory.
	Deputy Director for Programs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Inorganic Analytical Research Division	Chief, Inorganic Analytical Research Division.
Organic Analytical Research Division	Chief, Organic Analytical Research Division.
Surface and Microanalysis Science Division	Chf, Surface & Microanalysis Science Division.
	Group Leader, Surface Spec. & Thin Films.
Process Measurements Division	Chief, Process Measurements Division.
Biotechnology Division	Chief, Biotechnology Division.
Thermophysics Division	Chief, Thermophysics Division.
Materials Science and Engineering Laboratory	Dir, Materials Sci & Eng Laboratory.
	Senior Scientist.
	Scientific Assistant to the Director, IMSE.
	Dep Dir, Materials Sci & Eng Lab.
	Chief, Film & Fiber Technology.
Materials Reliability Division	Chief, Materials Reliability Div.
Office of Intelligent Processing of Materials	Chf, Ofc of Intell Processing of Materials.
Ceramics Division	Chief, Ceramics Division.
Polymers Division	Chief, Polymers Division.
Metallurgy Division	Chf, Metallurgy Division.
	Physicist (Solid State).
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Computer Systems Laboratory	Chief, Systems & Network Architecture Division.
	Chf, Advanced Systems Division.
	Chf, Info Syst Engineering Division.
	Chf, Systems and Software Technology Division.
	Associate Director for Computer Security.
	Associate Director for Program Implementation.
	Chief, Computer Security Division.
Building and Fire Research Laboratory	Chief, Structures Division.
	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Asst Dir, Building & Fire Research Laboratory.
Building Environment Division	Chief, Building Environment Division.
Building Materials Division	Chf, Building Materials Div.
Fire Science and Engineering Division	Chief, Fire Safety Engineering Division.
Fire Measurement and Research Division	Chief, Fire Science Division.
Computing and Applied Mathematics Laboratory	Dir, Computing & Applied Mathematics Lab.
	Dep Dir, Computing & Applied Mathematics Lab.
	Chief, Computer Services Division.
	Chief, Scientific Computing Division.
	Asst Dir for Management Information Technology.
	Associate Director for Computing.
Statistical Engineering Division	Chief, Statistical Engineering Division.
Patent and Trademark Administration	Asst Commissioner for Finance and Planning.
	Assistant Commissioner for External Affairs.
	Dep Asst Comr for Public Services & Adm.
	Dir Directorate for Interdiscipl Program.
Office of Assistant Commissioner for Patents	Administrator for Search & Information Res.
Chemical	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir 150.
	Deputy Group Director 180.
Electrical	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Assistant Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Opinions & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
Office of the Executive Director	Dep Exec Dir.
	Dir, Ofc In Information Resources Mgmt.
Office of Economic Analysis	Dep Chf Economist.
	Chf, Analysis Section.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Associate Director for Surveillance.
	Director of Economic Research.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Asst Exec Dir for Compliance & Enforcement.
	Assoc Exec Dir for Adm.
	Associate Executive Dir for Field Operations.
Office of Hazard Identification & Reduction	Asst Exec Dir for Hazard I & R.
	Associate Exec Dir for Epidemiology.
	Associate Executive Director for Economics.
Ofc Secy of Defense:	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight).
Ofc of Asst Secy (Solic)	Dep Asst Secy of Defense (Forces & Resources).
	Director for Budget and Execution.
	Director for Requirements & Programs.
Joint Activities	Director DESA.
Director Operational Test and Evaluation	Dep Dir for Resources & Administration.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Inspections.
	Asst Inspector Genl for Analysis & Followup.
	Asst Insp Gen for Adm & Info Management.
	AIG for Departmental Inquiries.
	Dep Asst Inspector Gen for Adm & Info Mgmt.
	Dir, Audit Planning & Technical Support.
	Dep Asst Insp Gen for Audit, Pol & Oversight.
	Director, Acquisition Management.
	Director, Logistics and Support.
	Director, Contract Management.
	Dir, Readiness & Operational Support.
	Director, Financial Management.
	Asst Inspector Gen for Audit, Pol & Oversight.
	Deputy Asst Inspector General for Auditing.
	Asst IG for Inspections.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Dir Inspections Directorate.
	Director for Criminal Policy & Oversight.
Ofc of Asst Secy of Defense (Reserve Affairs)	Principal Director (Manpower and Personnel).
Ofc Dep Asst Secy (Civilian Personnel P/E Opportunity)	Dep Dir, Compensation & Overseas Emply Policy.
	Director, Personnel Management.
	Prin Dir (Civilian Pers Pol/Equal Opp).
	Dir, Personnel Management.
	Director, Staffing & Career Management.
Ofc of Dir of DOD Dependents Schools	Dir, Pacific Region DODDS.
	Director, Germany Region.
	Dep Dir, Dep of Defense Dependents School.
	Assoc Dir for Financial, Logistl, & Info Mgmt.
Organization Abolished	Asst Dir for Syst Engineering & Integration.
Office Assistant Sec Health Affairs	Dir, Defense Medical Systems Support Center.
Office of Assistant Secretary, Public Affairs	Dir, Freedom of Information & Security Review.
	Dep Dir, Armed Forces Radio & Television Serv.
Washington Headquarters Services	Director of Personnel and Security.
	Dep Dir, Real Estate & Facilities.
	Dep Dir, Personnel and Security.
Office of the General Counsel	Deputy General Counsel (IG).
Ofc of Under Secy of Def for Acquisition	Dep Dir Missile & Space Systems.
	Deputy Dir Air Systems.
	Director for Defense Procurement.
	Sr Staff Specialist for S & A Systems.
	Dep Dir Maritime Systems.
	Sr Staff Spec for Tech & Analysis.
	Deputy Dir, Cost Pricing & Finance.
	Sr Staff Spec for Air Weapons Def Supp Sys.
	Sr Staff Spec for Ground Air Defense Systems.
	Sr Staff Spec Close Air Sup & Air Int Sys.
	Sr Staff Spe for Antisubmarine & Mine Sys.
	Sr Staff Spec for Ship Systems.
	Sr Staff Spec for Ball Missile Def Sys.
	Dep Dir Munitions.
	Sr Staff Spec for Air Mobility.
	Sr Staff Special for Air Superiority Systems.
	Dep Dir, Contract Pol & Administration.
	Deputy Dir, Test Facilities & Resources.
	Dep Dir, Land Systems.
	Dep Dir, Deep Strike Systems.
	Deputy Dir, Line Fire Test.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	ADUSD (Asia/Mid East/S. Hemisphere Affairs).
	Deputy Dir Program Assessment.
	Dep Dir, Def Syst Procurement Strategies.
	Dep Dir, Program & Budget Integration.
	Dep Dir, Electronic Combat Systems.
	DoD Contractor Adv & Assistance Serv Director.
	Asst Dep Under Secy of Def (Plnng & Eval).
	Dep Dir, Foreign Contractor.
	Sr Staff Spec for Submarine & Surveil Sys.
	Dep Dir for Acquisition R & C Simplification.
	Staff Spec for Spec Tech Program.
	Dep Dir WSA/Special T & E Programs.
	Dep Dir Strategy Arms Control & Compliance.
	Dep Dir, Aeronautical Systems.
	Special Asst Concepts & Plans.
	Deputy Director Defensive Systems.
Ofc of the Dir, Defense Research & Engineering	Executive Director, Defense Science Board.
Ofc of DD (Research and Advanced Tech)	Director, Engineering Technology.
	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Specialist for Weapons.
	Dir, Environmental & Life Sciences.
	Staff Spec/Mobility, Logistics & Adv Concepts.
	Dir, Research & Laboratory Management.
	Spec Asst for MCTL & Long-Range Plnng Matters.
	Staff Spec for Electronic W/C, Ctrl & Comms.
	Staff Specialist for Electronic S/D.
	Dir, Balanced Technology Initiative.
Ofc of DD (Tactical Warfare Progs)	Assistant Deputy Director (TWP).
Office of DD (Plans & Resources)	Director, Plans Management.
	Deputy Director (Plans & Resources).
Ofc Dep Asst Secy (Installations)	Dir, Base Closure and Utilization.
Ofc Dep Asst Secy (Production resources)	Dir, Standardization & Acquisition Support.
	Dir, Computer Aided Logistics Support Office.
	Dir, Industrial Productivity & Quality.
Ofc Dep Asst Secy (Procurement)	Dir, Def Acquisition Reg Sys & Council.
Ofc Dep Asst Secy (Environment)	Principal Dir (Environmental Restoration).
Ofc Dep Asst Secy (Systems)	Dir, Acquisition Logistics & Production Supp.
Organization Abolished	Asst Dir for Elec Combat C3 Countermeasures.
Director, Strategic & Theater Nuclear Forces	Dir, Strategic & Theater Nuclear Forces C3.
	Staff Asst S/C, Control & Communications.
Director, Theater & Tactical C3	Dir, Theater & Tactical Commun Command & Contr.
	Dep Dir T & T Communications Command Control.
Deputy Assistant Secretary of Defense (Intelligence)	Dir, Policy & Planning.
	Dir, Requirements & Assessments.
	Senior Advisor for Measurement & Signature.
	Senior Advisor for Imaging Intelligence.
	Director, Intelligence Issues.
	Director, Intelligence Policy.
Senior Advisor for Human Intelligence Systems	Director, National Intelligence Systems.
	Dep Dir, National Intelligence Systems.
	Senior Advisor for Human Intelligence.
Senior Advisor, Signal Intelligence Systems	Director, Tactical Intelligence Systems.
	Dep Dir, Tactical Intelligence Systems.
	Senior Advisor, Signal Intelligence.
Organization Abolished	Dir, Intelligence Resources & Training.
Deputy Assistant Secretary of Defense (Defense-Wide C3)	Dir, Comm Electronics Technology.
Director, Information Systems	Director, Telecommunications.
Director, C3 Mobilization Systems	Director, C3 Mobilization Systems.
C3I, (Defense Information)	Asst Dep Dir (Information Technology).
DASD (Counterintelligence & Security Countermeasures)	Director, Counter Intelligence.
Ofc of Asst Secy (Principal Deputy for Intelligence)	Dir, Special Technology Support.
Defense Advanced Research Projects Agency	Director, ASTO.
	Assistant Director, Smart Weapons.
	Deputy Director, ASTO.
	Deputy Director, Management.
	Special Assistant for Special Operations.
	Assistant Director, Undersea Systems.
	Deputy Director.
	Dir, Electronic Systems Technology Office.
	Southcom Science & Technology Advisor.
	Dir, Land Systems Office.
	Director, Special Projects.
	Dir, Microelectronics Technology.
	Dep Dir, Micro Electronics Technology.
	Dir, Undersea Warfare Office.
	Chief, Advanced Technology.
	Executive Director, Manufacturing.
	Asst Dir, Sensors & Processing.
Computing Systems Technology Office	Executive Director (Software).
	Dir, Computing Systems Technology Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Defense Sciences Office	Dir, Defense Sciences Office.
	Assistant Director for Material Sciences.
Defense Manufacturing Office	Dep Dir, Defense Manufacturing Office.
	Executive Director.
Contracts Management Office	Dir, Contracts Management Office.
Nuclear Monitoring Office	Dir, Nuclear Monitoring Research Ofc.
Office of the Joint Chiefs of Staff	Dep Dir for Technical Operations.
Strategic Defense Initiative Organization	Assistant Director for Interceptors.
	Asst Dir for Sensors Demonstrations.
	Assistant Director for Sensor Technology.
	Asst Dir for Interceptors & Communications.
	Chief, Program Control.
	Director, Information Systems.
Defense Contract Audit Agency	Deputy for Program Operations.
	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy & Plans.
Regional Managers	Director, Field Detachment.
	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Dep Regional Director, Eastern Region.
	Deputy Regional Director, Northeastern Region.
	Deputy Regional Dir, Central Region.
	Deputy Regional Director, Western.
Defense Logistics Agency	Dep Reg Dir, Mid-Atlantic Region.
	Special Asst for Integrity in Contracting.
	Dir, Defense Manpower Data Center.
Directorate for Contract Management	Chief Actuary.
	Executive Directive, Contract Management.
Directorate of Quality Assurance	Chf, Plans, Policies & Systems Division.
Ofc of Staff Dir-Small & Disadvantaged Business Utili	Dep Exec Dir, Quality Assurance.
Office of Civilian Personnel	Staff Dir, Small & Disadv Busin Utilization.
	Staff Director, Civilian Personnel.
Directorate of Contracting	Deputy Staff Director, Civilian Personnel.
	Executive Director, Contracting.
Directorate of Tech & Logistics Services	Chief, Contracts Division.
Defense Personnel Support Center	Chf, Property Disposal Div.
Defense Training & Performance Data Center	Exec Dir, Acquisition Mgmt Plan & Support.
Defense Contract Management	Dir Defense Training and Performance Data Ctr.
Office of the Director	Deputy DCMC.
	Director, DITSO.
Ofc of Assoc Dir for Eng, Technol & Corporate Planning	Deputy Director, DITSO.
	Assoc Dir for Eng, Technology & Corp Ping.
	Chief Information Officer.
	Dep Dir for Operations.
	Dep Dir for Systems.
Special Programs Organization	Spec Asst to the Dir, Spec Prog Organization.
National Communications System	Deputy Manager, Natl Communications Systems.
	Asst Mgr, NCS, Technology & Standards.
Center for Command Control & Communications (C3) Sys	Asst Mgr, NCS, Plans & Operations.
	Dep Dir, Theater Systems.
	Dep Dir, Mil Satellite Communication System.
	Dep Dir for Switched Network Engineering.
	S/A to the Dir, CPSI for Satellite Com Sys.
	Asst Dir for Prog Development & Coordination.
	Spec Asst to Dir, Ctr for C3 for Int Dig Arch.
	Dep Dir, Strategic Systems Directorate.
	Assistant Director for Process & Integration.
Defense Communications System Organization	Dir Military Satellite Communications.
	Dep Dir, Defense Comm System Organization.
	Dep Dir, DCS Telecommunications Networks.
	Deputy Director for DCS Integration.
Defense Communications Engineering Center	Assoc Deputy Director, DCS Data Systems.
Defense Commercial Communications Office	Dir, Def Communications Engineering Center.
Center for Agency Services	Dir Defense Commercial Communications Office.
Joint Data Systems Support Center	Director, Center for Agency Services.
	Director, Joint Data Systems Support Center.
	Tech Dir., WWMCCS ADP Tech Support Directorate.
	Deputy Director, NMCS ADP Directorate.
Joint Tactical Command, Control & Communications Agency	Assoc Dir for Technical & Management Support
	Asst Dir for Washington Operations
	Assistant Director, JTC3A.
	Dep Dir, Architecture Directorate.
Information Management Center	Deputy Director for Testing.
	Director, Information Management Center.
Comptroller Directorate	Director, Technical Integration Office.
	Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Defense Nuclear Agency	Chief of Staff.
Office of the Director	Deputy Director.
	Special Assistant to the Deputy Director.
Acquisition Management Office	Dir, Acquisition Management.
Plans, Programs & Requirements Directorate	Director for Plans, Programs & Requirements.
Office of the Director, AFRRI	Scientific Director, AFRRI.
Operations Directorate	Deputy Director, Operations Directorate.
	Chief, Structural Dynamics Division.
Radiation Sciences Directorate	Dir for Radiation Sciences.
	Chief, Atmospheric Effects Division.
	Chief, Electronic Effects Division.
	Chief, Electromagnetic Applications Division.
Shock Physics Directorate	Director for Shock Physics.
	Chief, Weapons Effects Division.
Test Directorate	Director for Test
	Chf, Nevada Operations OFC, Test Directorate.
DMA Headquarters	Dep Dir for Hum Res-Dir DMA OFC Hum Res Mgt.
	Dep Dir for Acq Install & Logistics.
	Dep Dir for Progs, Production & Operations.
	Dep Dir for Research & Engineering.
	Dep Dir for Plns & Rqmts—Dir DMA OFC OFP&R
	Asst Dep Dir for Production.
	Asst Deputy Dir for Resources.
	Deputy Director.
	Asst Dep Dir for Advanced Sys Requirements.
	Deputy Director for Plans & Requirements.
	Dep Dir for Intl Prog Operations.
	Dep Dir for Information Resources Management.
DMA Field Activities	Tech Dir, DMA Aero Center.
	Tech Dir, DMA Hydrographic-Topographic Center.
	Dep Dir for Prog, Prod & Operations DMA HTC.
	Dep Dir. for Progs, Production and Operations.
	Chf, Digital Products Department AC.
	Chf, Digital Products Department HTC.
	Tech Dir/Dep Dir, Combat Support Center.
	Chief, Scientific Data Dept.
	Chief, Scientific Data Department.
	Dir, DMA Sys Ctr Dep Dir for Res & Engineering.
	Technical Director, Reston Center.
	Dep Dir for Prog, Production and Operations.
	Dep Dir for Modernization Development.
	Dir, Technical Serv Ctr.
	Chief, Digital Products Department.
	Chief, Data Services Department.
	Dep/Techn Dir/DMA Syst Cntr Asd for Res & Eng.
	Dep Dir for P/O, DMA Syst Cntr/Add for RDT&E.
	Chief, Mapping & Charting Department.
	Chief, Mapping & Charting Department.
	Chief, Reston Department.
	Technical Director.
	Dir, DMA Hydrographic/Topographic Center.
	Dir, DMA Reston Center.
	Dir, DMA Aerospace Center.
Defense Finance & Accounting Service	Deputy Director, Cleveland Center.
Defense Investigative Service	Dir, Defense Investigative Service.
	Deputy Director (Investigations).
	Dep Dir (Industrial Security).
	Deputy Director (Resources).
	Dir, Personnel Investigations Center.
Department of Air Force:	
Ofc of Administrative Assistant to the Secretary	Administrative Assistant to the Secy.
	Dep Administrative Assistant.
Ofc of Small & Disadv Bus Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Dep Asst Inspector Gen/Spec Investigations.
Office of ASAF for Financial Management & Comptroller	Principal Dep Asst Secy (Financial Mgmt).
ODAS Budget	Deputy for Budget.
	Director of Budget Investment.
	Director of Budget Management & Execution.
	Deputy Director of Budget Operations.
ODAS Cost & Economics	Assoc Dir of Mgmt Analysis.
	Dep Asst Secy (Cost & Economics).
Office of ASAF for Acquisition	Dir, Science & Technology.
	Assoc Dir, Strategic, SOF & Airlift Prog.
	Assoc Dir, Space and SDI programs.
	Assoc Dir, Tactical Programs.
	Competition Advocate Gen Dir, CAAS.
ODAS Acquisition	Dep Asst Secy (Acquisition).
ODAS Communications, Computers & Logistics	Assoc Dep Asst Secy (Logistics).
	Assoc Dep Asst Secy (Transportation).
ODAS Research & Engineering	DAS (Research & Engineering).
ODAS Management Policy & Program Integration	Assoc Dep Asst Secy Magnt Pol & Prog Interagt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
ODAS Contracting	Assoc Dep Asst Secy (Contracting).
Air Force Program Executive Office	AF Program Exec Officer, Info Systems.
	Program Director, Amraam Spo.
Ofc of ASAF for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
ODAS Installations	Deputy for Installations Management.
Office of ASAF for Space	Deputy for Contracting.
Assistant Vice Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Director, Test & Evaluation.
Asst Chief of Staff for C3 and Computers	Director of Resources.
	Director of C4 Software, Architecture & Pol.
Deputy Chief of Staff, Logistics	Assoc Dir for Logistics Plans & Programs.
	Chief Modification & O&M Programs Division.
	Chief Combat Support Programs Division.
	Assoc Dir of Maintenance Engineering & Supply.
Civil Engineer	Assoc Dir for Engineering & Services.
Deputy Chief of Staff, Personnel	Dir of Civilian Personnel.
	Deputy Director of Personnel Management.
	Deputy Director for Plans and Requirement.
	Dep Dir for Work Force Effectiveness.
	Spec Project Ofcr for Personnel Management.
Assistant Chief of Staff, Intelligence	Assoc Dir, Strategy & Production.
Air Force Materiel Command	Chairman A F Logistics Command Procur Committ.
	Asst for Intelligence.
DCS/Personnel	Deputy Chief of Staff, Personnel.
	ACS/Personnel.
DCS/Contracting	Prin Asst/Contracting & Manufacturing.
	Dir Contract Clearance & Policy Development.
	Principal Asst DCS/Contracting.
	Dir Business Clearance.
DCS/Logistics	Principal Asst DCS/Logistics.
DCS/Engineering & Technical Management	DCS/Engineering & Technical Management.
	Principal Asst DCS/Product A/A Logistics.
	Technical Director, Product Assurance.
	DCS/Engineering & Technical Management.
DCS/Financial Mgmt & Comptroller	Asst to the DCS/Comptroller.
	Asst DCS/Financial Mgmt & Comptroller.
DCS/Comm-Computer Systems	DCS/Communications—Computer Systems.
DCS/Plans & Programs	Asst DCS/Plans & Programs.
DCS/Science & Technology	Director of Plans & Programs.
	Director, Plans and Programs.
Space and Missile Systems Center	Deputy Chief of Staff/Plans & Advanced Prog.
	Deputy Director.
Phillips Laboratory	Deputy Director.
	Deputy Advanced Weapons & Surveillance.
Geophysics Directorate	Dir, Space Physics Div, AFGL.
	Ch, Atmospheric Structure Br.
Astronautics Directorate	Dir, Astronautics Laboratory.
	Director, Propulsion Directorate.
Electronic Systems Center	Executive Director.
	Asst Dep for Contracting & Manufacturing.
	Prog Dir for Air Base Decision Systems.
	DCS/Engineering & Program Management.
	Chief Engineer.
	DCS/Plans & Advanced Programs.
	Deputy Director.
	Prog Dir Electronic Combat & Reconnaissance.
Rome Laboratory	Director (Plans).
	Technical Director (Command & Control).
	Dir Plans & Programs.
Aeronautical Systems Center	Dep Dir Financial Mgmt & Comptroller.
	Executive Director.
DCS/Development Planning	Director (Mission Analysis).
	Dir Advanced Systems Analysis.
DCS/Contracting	Asst Deputy for Contracting & Manufacturing.
	Dep Dir Contracting.
DCS/Integrated Engineering & Tech Mgmt	Engineering Advisor Product Assurance Engr.
	Technical Dir Avionics Engineering.
	Dir Support Systems Engineering.
	Director Avionics Engineering.
	Dir, Flight Systems Engineering.
	Director, Systems Engineering.
Directors of Engineering	Director of Engineering (F–16).
	Dir of Eng Reconnaissance & Elec Warfare Sys.
	Dir Engineering Propulsion Systems.
	Dir of Engineering (Advanced Technol Bomber).
	Dir of Eng. Adanced Tactical Fighter.
	Dir of Engineering C–17.
	Dir of Engineering Subsystems.
Systems Program Offices	Deputy Program Director Systems SPO.
	Deputy Program Director ATF.
	Deputy Program Director C–17.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Wright Laboratory	Program Dir Subsystems.
	Dir Manufacturing Technology.
	Dir, Plans & Programs Directorate.
Materials Directorate	Dir, Metals & Ceramics Div.
	Dir, Nonmetallic Materials Dn.
Human Systems Center	Deputy Director.
Armstrong Laboratory	Research Director (Crew Technology).
	Director Human Engineering.
Organization Abolished	Asst DCS-Comptroller.
	Asst Dep Chf of Staff, Maintenance.
	Assistant DCS/Plans & Programs.
	Director of Civilian Personnel.
	A/D Chf of Staff-Contracting & Manufacturing.
	Asst Deputy Chief of Staff, Materiel Mgt.
	Asst Deputy Chief of Staff Logis Magnt System.
	Asst Deputy Chief of Staff/Distribution.
	Principal Asst for Scl, Technol & Engineering.
	Executive Agent for Interim Standard Systems.
Joint Logistics Systems Center	Principal Deputy to the Commander ALD.
	DOD Exec Agt Dept Maint Automated Sys.
	DOD Exec Agt for Materiel Regmts.
	Dir Depot Maintenance.
	Dir Corporate Integration.
Air Logistics Center, San Antonio	Director, Financial Management.
	Director, Propulsion Systems.
	Deputy Director.
	Director, Contracting.
Air Logistics Center, Oklahoma City	Director, Financial Management.
	Director, Commodities Management.
	Deputy Director.
	Director, Contracting.
Air Logistics Center, Warner Robins	Director, Financial Management.
	Director, Technology & Industrial Support.
	Deputy Director.
	Director, Contracting.
Air Logistics Center, Ogden	Director, Financial Management.
	Director, Technology & Industrial Support.
	Deputy Director.
	Director, Contracting.
Air Logistics Center, Sacramento	Director, Financial Management.
	Director, Technology & Industrial Support.
	Deputy Director.
	Director, Contracting.
Air Force Audit Agency	Auditor General of the Air Force.
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial + Support Audits).
	Asst Aud Gen (Acq + Logistics Audits).
Air Force Intelligence Command	Technical Director (Aerospace Systems).
Air Force Communications Command	Dir, Air Force Comms Computer Syst I/Ofc.
	Director Standard Systems Center.
Air Mobility Command	Asst DCS/Plans and Programs.
U.S. Strategic Command	Chief, Operations Analysis Division.
	Chief, Applied Research Division.
	Assoc Dir for Strategic Planning.
Air Combat Command	Chief Scientist Tactical Air Warfare Ctr.
Pacific Air Forces	Chief, Operations Analysis.
U.S. Air Forces in Europe	Director of Civilian Personnel.
Shape Technical Centre	Deputy Director.
AF Space Command	Sr Scientist & Tech Advisor for AFSPACECOM.
AF Operational Test & Eval Ctr	Technical Director.
Air University	Director of Academic Affairs.
Joint Electronic Warfare Center	Technical Director.
U.S. Central Command	Scientific Advisor.
Strategic Defense Initiative Organization	Spec Asst for GPALSP.
Department of Army:	
Office of the Under Secretary	Operations Research Analyst.
	Special Asst for Forces & Program Evaluation.
	Operations Research Analyst for Systems.
	Opers Research Analyst for Cmd, Cont, C & I.
	Special Asst to the Under Secretary.
Oic of the Administrative Assistant	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant.
Office of the General Counsel	Deputy General Counsel (Fiscal Law & Policy).
HQDA Army Acquisition Executive	Dep Prog Mgr, Light Helicopter Program.
	Deputy PEO, Close Combat Vehicle.
	Dep Prog Exe Ofcr, Army Cmd & Ctrl Syst.
	Deputy Prog Executive Officer Comm Systems.
	Deputy PEO for Air Defense.
	Program Executive Officer Stamis.
	Progr Exec Officer, Close Combat Armament.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Program Manager Sustaining Base Network.
	Dep Program Executive Officer for Aviation.
	Dep PEO, Intelligence & Electronic Warfare.
	Program Executive Officer, Combat Support.
	Program Executive Officer (Fire Support).
Dir of Info Sys for Command, Control, Comms & Computers	Army Spectrum Manager.
	Dir Ofc US Army Info S & S Acq Activity.
	Dir Command Systems Integration Agency.
	Dir of Army Information.
	Vice Director to the Dlscd.
OASA Research Development and Acquisition	Dir for Prog & Vulnerability Assessment.
	Dep Dir US Contracting Support Agency.
	Chief, Policy & Procedures Division.
	Assistant Deputy for Plans & Programs.
ODASA Research and Development	DAS for Res & Tech/Chief Scientist.
	Dir for Program Review.
	Director for Space & Strategic Technology.
	Director for Research Laboratory Management.
	Director for Technology.
	Director for Adv Concepts & Tech Assessment.
ODASA Systems Mgmt Integration & Coord	Dir Sys Mgt Integ & Coordination Ofc.
Odasa Procurement	Deputy Asst Secy of the Army (Procurement).
	Director for Procurement Policy.
ODASA Management and Programs	Dir for Program Evaluation.
	Dep Asst Secy for Plans & Programs.
Ofc of Asst Secretary (Installations, Logistics & Envmt)	Dep for Programs & Install Assistance.
	Dep Program Exec Officer for Chem/Demil.
Ofc of Asst Secy (Financial Mgmt)	Assistant Deputy ASA for Army Budget.
	Deputy for Cost Analysis.
	Dir of Investment.
	Dep Asst Secy for Army (Financial Operations).
	Spec Adv for Economic Pol & Productivity Prog.
	Dep for OPS, Support & Business Activities.
Off of Asst Secretary, Manpower & Reserve Affairs	DAS (DAR BDS & EEO C & C REVIEW).
Ofc of Asst Secretary Civil Works	Deputy ASA for Policy & Evaluation.
	Deputy for Management and Budget.
	Deputy for Plnng Pol & Legislation.
	Deputy for Project Management.
Office, Director of Army Staff	Dep Dir of Management (Installation M&R).
Office, Deputy Chief of Staff, Intelligence	Deputy Director, US Army Intelligence Agency.
USA Strategic Defense Command Huntsville AL OSCA FOA	Proj Mgr, Ground Based Interceptor Proj Ofc.
	Director, Directed Energy Weapons Directorate.
	Proj Mgr High Endo Atmos Def Int Proj.
	D/S Lethality & Key Technologies Directorate.
	Dir, Kinetic Energy Weap Directorate.
	Chief, Battle Management Division.
	Prin Assistant Resp for Contracting.
	Chief, Passive Sensors Division.
	Chf, Active Sensors Div Sensors Directorate.
	Chf, Discrimination Div Sensors Directorate.
	Dir, Advanced Technology Directorate.
	Proj Mgr, G-B Surveillance & Tracking Syst.
Operational Test & Evaluation Agency	Dir, USA Combat Develop Experimentation Ctr.
	Deputy to the Commander Technical Director.
Army Center of Military History	Chief Historian, Army Ctr of Military History.
Test and Evaluation Management Agency	Dir, Test and Evaluation management Agency.
Office, Dep Chief of Staff for Personnel	Director for Manprint.
	Director of Manpower.
Directoate of Civilian Personnel	Director of Civilian Personnel.
	Dep Director of Civilian Personnel.
	Chief Employment and Classification Office.
US Total Army Personnel Command	Director, Civilian Personnel Mgt.
Army Research Institute for Behavioral & Social Sciences	Dir, Systems Rsch Lab & Assoc Dir Art.
	Dir, Trng Res Lab & Assoc Dir, Art.
	Dir, Manp & Pers Res Lab & Assoc Dir, Art.
Office, Deputy Chief of Staff for Logistics	Asst Director for Supply Mgmt.
	Asst Dir for Maintenance Mgmt.
	Spec Asst to DCSLOG & Chf Av Log Ofc.
	Asst Dir for Transportation.
	Asst Dir for Energy & Troop Support.
	Director for Security Assistance.
	Director for Resources and Management.
	Executive Director, Strategic Logistics Agcy.
Army Audit Agency	The Auditor General, U.S. Army.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir Personnel and Force Management Audits.
	Dir Audit Policy Plans and Resources.
	Regl Auditor General (Northeastern Region).
	Regl Auditor General (Southeastern Region).
Ofc Dep Chf of Staff for Operations & Plans	Tech Adv.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Technical Director, US Army Nuc & Chem Agency.
Concepts Analysis Agency (OCSA)	Assistant Dir for Res and Analysis Support.
Walter Reed Army Institute of Research	Chief Dept of Pharmacology.
Training and Doctrine Command (TRADOC)	Scientific Advisor to CG.
	Scientific Advisor.
	Asst Deputy COFS for Base OPS Spt (Civ Pers).
	Asst Deputy Chief of Staff for Resources Mgmt.
	ADCOS for Training Policy Plans and Programs.
Tradoc Analysis Command	Director of Operations.
	Deputy Director, Trac.
	Director of Operations.
Military Traffic Mgmt Comnd	Deputy to the Commander.
	Special Asst for Transportation Engineering.
U.S. Army Forces Command	Civilian Personnel Director.
	Deputy Comptroller.
U.S. Army Corps of Engineers	Director of Human Resources.
	Director Resource Management.
	Dir, Engineering and Housing Support Center.
Directorate of Civil Works	Deputy Director, Civil Works.
	Chf-Olc of Policy.
	Chf. Programs Div.
	Chf-Planning Division.
	Chief Engineering Division.
	Chf, OPS, Construction & Readiness Division.
Directorate of Engineering & Construction	Deputy Chief Construction Division.
	Chief, DAEB, Engineering Division.
Directorate of Military Programs	Chief Construction Division.
	Chief Construction Division.
	Deputy Director, Military Programs.
US Army COE Water Resources Ctr	Chief, Water Resources Support Center.
Planning Divisions, COE	Dir of Planning, Ohio River.
	Dir of Planning, No Pacific.
	Dir of Planning, South Atlantic.
	Dir of Planning, Lower Miss Valley.
	Dir of Planning, South Pacific.
	Dir of Planning, N. Atlantic.
	Dir of Planning, Southwestern.
Engineering Divisions, COE	Dir of Engineering, Ohio River.
	Dir of Engineering, Southwestern.
	Dir of Engineering, North Central.
	Dir of Engineering, S. Pacific.
	Dir of Engineering, N. Atlantic.
	Dir of Engineering, S. Atlantic.
	Dir of Engineering, Lower Miss.
	Dir of Engineering, Missouri River.
	Dir of Engineering, North Pacific.
	Dir of Engineering, Pacific Ocean.
	Dir of Engineering, Huntsville.
Construction Divs-COE	Dir of Construc OPS, S Atlantic.
	Dir of Construc OPS, S Western.
	Dir of Construc OPS, Ohio River.
	Dir of Construc OPS, LR MS VAL.
	Dir of Construc OPS.
	Dir of Construc OPS.
	Dir of Construc OPS, N Atlantic.
	Dir of Construc OPS, Pacific.
	Dir of Construc OPS.
Army Materiel Command (AMC)	Chief Scientist.
Office of DCS Supply Maintenance & Transportation	Asst DCS for Supply Maintenance & Trans.
Olc Dep Cmdg Gen Res, Development and Acquisition	Prin Asst Dep for Res Develop and Acquisition.
	Asst Dep Int'l Cooperative Programs.
DCS for Development Engineering & Acquisition	Asst Dep Chf of Staff Dev, E/A for ACQ PIR.
	Asst Dep Chief of Staff for ACQ Mgt.
Deputy Chief of Staff for Concurrent Engineering	ADCS for Res, D&E for Pol Integ & Analysis.
Olc Deputy Commanding General for Matl Readiness	Asst Dep for Materiel Readiness.
Dep Chf of Staff for Supply, Maintenance & Transp	Asst Dep Chf of Staff for Policy & Procedures.
Deputy of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Readiness	Asst DCS for Readiness.
Office of DCS for Procurement	Asst DCS for Procurement.
Executive Director, Test, Measurement & Diag EQ	Deputy Executive Director for TMDE.
Deputy Chief of Staff for Personnel	Asst Deputy Chf of Staff for Personnel.
	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	ADCS for Resource Mgmt.
	ADCS for Cost Analysis.
Deputy Chief of Staff for Management	Chief Special Analysis Office.
USA Security Affairs Command	Deputy.
U.S. Army Systems Integration & Management Activity	Dir, Syst Integration Mgmt Activity.
U.S. Army Armament, Munitions & Chemical Command (AMCCOM)	Deputy for Resources & Management.
	Deputy for Procurement and Production.
	Deputy for Logistics Readiness.
	Director for Product Assurance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dep for Facilities, Ind Preparedness & Envmt.
	Dir, U.S. Army Def Ammunition Center & School.
AMCCOM, ARDEC	A/Tech/Dir/ (Sys Development & Engineering).
	Assoc Tech Dir (Producib & Process Technol).
Armament Engineering Directorate	Director, Armament Engineering Directorate.
	Chf, Energetics & Warheads Division.
Fire Support Armaments Center	Chf Fire Control Division.
	Chief Artillery Armaments Division.
	Chief Precision Munitions Division.
Close Combat Armament Center	Chief, Light Armament Division.
Chemical Research, Development & Engineering Center	Dir Munitions Directorate.
	Director, Research Directorate.
U.S. Army Aviation Systems Command (AVSCOM)	Director of Engineering.
	Director Aeroflight Dynamics Directorate.
	Director Propulsion Directorate.
	Acquisition Director.
	Dir Avionics Research & Development Act.
	Assoc Tech Dir for Tech Appl/Dir of Spec Prog.
	Director Aero Structures Dir.
	Logistics Director.
	Director of Electronics & Weaponization.
Communications & Elect Comd (CECOM)	Comptroller.
US Army Communication Electronics Comm	Dir, CECOM Ctr for Command, Cntrl & Commun Sys.
	Dir, E/W, Reconnaissance, Surveillance, TAD.
	Director, Concurrent Engineering.
	Assoc Techn Dir (Research & Technology).
	Dir, Comd, Control, C/I (C3I) L & R Center.
US Army Depot Systems Command (DESCOM)	Deputy to the Commander.
	Executive Director for Materiel Readiness.
US Army Laboratory Command	ADCS for Technology Planning & Management.
Harry Diamond Labs (HDL)	Director, Harry Diamond Laboratories.
	Dir, Target S&S Processing Lab.
	Dir, Technology Applications Lab.
Army Research Office (AMC)	Director, Materials Science Division.
	Dir, Engr Sci Div.
	Dir, Research & Technology Integration.
	Dir, Chem & Bio Sci Div.
US Army Ballistic Research Laboratory	Chf, Sys Engineering & Concepts Analysis Div.
	Chief, Interior Ballistics Division.
	Chf, Launch and Flight Division.
	Chf, Terminal Ballistics Div.
	Chf, Vulnerability-Lethality Division.
US Army Missile Command (Micom)	Director, Acquisitions Center.
	Dir, Integrated Material Mgt Ctr.
	Assoc Director for Product Assurance.
	Deputy for Procurement and Readiness.
Research Development & Engineering Center	Dir for System Engineering & Production.
	Director for Advanced Sensors.
	Associate Director for Systems.
US Army Troop Support Command (TROSCOM)	Director of Acquisition Management.
	Deputy to the Commander.
Belvoir Research & Development Center	Dir, Combat Engineering Directorate.
	Director, Logistics Equipment Directorate.
Natick Research, Development & Engineering Center	Dir, Individual Protection Directorate.
	Director, Soldier Science Directorate.
Tank-automotive Comd (TACOM)	Director of Resource Mgt.
	Dir for Procurement and Production.
	Technical Director.
	Director of Product Assurance & Test.
	Asst Deputy for Procurement and Readiness.
	Dep Dir for Engineering & Acquisition.
	Dir, Tank-automotive Technology Directorate.
US Army Test and Evaluation Command, (TECOM)	Technical Dir, Redstone Technical Test Center.
	Technical Director Combat Syst Test Activity.
	Tech Dir & Chf Sci.
	Dir for Test and Assessment.
US Army Materiel Systems Analysis Activity	Director.
	Chf, Combat Support Div.
	Chf, Air Warfare Div.
	Chf, Reliability, Availability & Maintainabil.
	Chf, Ground Warfare Division—AMSAA.
	Chf, Logistics Readiness & Analysis Division.
Army Information Systems Command	Deputy Chief of Staff for Resource Management.
	Dir, Info Systems Command Pentagon.
	Technical Director.
Headquarters, US Army, Europe	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt USAREUR.
	Asst Dep Chf Staff for Eng (Intl Affairs).
Army Intel and Security Command	Deputy & Technical Director, FSTC.
	Deputy for Policy & Development.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Acisa, NATO	Asst Dir, Command, Control and Comms Syst.
Defense Systems Management College	Deputy Commandant (Provost).
DOD Wage Fixing Authority	Director, Technical Staff.
National Defense University	Dir, Information Resources Management College.
U.S. Southern Command	Spec Asst for Technology & Requirements Integ.
Department of the Navy:	
Office of the Secretary	Dir, Naval Industrial Management Program.
	Dir, Naval Criminal Invest Service.
Office of the Under Secretary of the Navy	Assistant for Administration.
Office of the Auditor General	Auditor General of the Navy.
Naval Audit Service	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Director, Audit Operations.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Staff Dir, Dir Manpower Analysis Staff.
Office of Civilian Personnel Management	Dir, Civilian Personnel Programs Division.
	Dir, Ofc of Civilian Personnel Management.
	Associate Director (OCPM–30).
	Associate Director (OCPM–20).
	Associate Director (OCPM–10).
OCPM—Pacific Region	Director, Pacific Region.
OAS of Navy (Installations & Environment)	Director, Financial Management Office.
OAS of the Navy (Research, Dev & Acquisition)	Director, Procurement Policy.
	Director, Product Integrity.
	Head, Contract Policy.
	Program Exec Ofcr, Expeditionary Force Prog.
	Director, Acquisition Career Management.
	Dir, R&D Programming & Budgeting Division.
	Director for AAW & Strike Air Programs.
	Director for ASW, LASMAP.
	Dir, Navy International Programs Office.
	Deputy Dir, Acquisition Career Management.
Program Executive Officers	Director, Plans & Programs Division.
	HD, Guidance Section.
	Head, Fire Control Section.
	Head, Operations Engineering Section.
	Test & Instrumentation Branch Engineer.
	Branch Engr, Launcher Branch.
	Chf Engr, Missile Branch.
	Chf Engr.
	Br Engr, Fire Control & Guidance Br.
	Branch Engr, Ship Installation & Design Br.
	Dep Prog Mgr, Seawolf Class Submne ACQ Prog.
	Asst Dep Comm ASW & Undersea Warfare Sys.
	Prog Mgr, MK–50 Torpedo Prog Ofc.
	Sect Head, Reentry Systems Sect, Missile Br.
	Dir, Strategic Warfare Contracts Division.
	Deputy Logistics Support Coordinator.
	Dep P/E Officer for Unmanned Aerial Vehicles.
	Dep Prog Exec Ofcr, Space, Comms & Sensors.
	Head, Resources Branch.
	Branch Engineer, Navigation Branch.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manager for Comm Satellite Programs.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcr for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Exec Dir, Aegis Shipbuilding Program.
Ofc of the Asst Secy of Navy (Financial Management)	Spec Asst for Info Res Mgmt (fRM) Cost Anal.
	Assoc Dir, Information Resources Management.
Naval Center for Cost Analysis	S/A for Cost A/T Dir, Naval Ctr for Cost Anal.
Office of the Comptroller of the Navy	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Counsel.
	Dir, Investment & Dev Div.
	Dir, Budget & Mgmt, Policy and Procedures Div.
	Dir, Ofc of Fin Mgt Syst.
	Dir, Budget Evaluation Group.
	Dep Director for Independent Cost Analysis.
	Director Financial Control Division.
	Director, Civilian-Contractor Manpower Div.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Asst General Counsel (Acquisition).
	Asst General Counsel (Install & Environment).
	Asst Gen Counsel (Civilian Personnel Law).
Director-Naval Administration/Asst Vice CNO	Dir Naval History/Dir, Naval Historical Ctr.
	Asst for Educational Resources.
	CNO Executive for Total Quality Management.
Director, Navy Program Planning	Head, Studies & Analysis Branch.
	Asst Dir for Readiness Appraisal.
	Deputy Director for Programming.
	Head, Logistics & Fleet Support Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Director Naval Medicine & Surg General	Director Resources Division.
Director Space Command and Control	Associate Dir Spectrum Management & Policy.
Director, Naval Warfare	Advanced Technology Advisor.
	Techn Dir, Naval Warfare Anal A/F Level Plans.
Office of the Oceanographer of the Navy	Technical Director.
Dir, Test & Evaluation and Technology Requirements	Director, Advanced Tech Dev Branch.
Director, Naval Intelligence	Technical Director.
	Advisor for Research & Development Programs.
	Deputy Director of Naval Intelligence.
	Asst for World Navies and Analysis.
DCNO (Manpower, Personnel & Training)	Dir, Total Force Info Res & Sys Mgnt Div.
Office ACNO (Undersea Warfare)	Tech Dir, Submarine & SSBN Security Program.
	Dir, Deep Submergence Systems Division.
Office DCNO (Logistics)	Dep Dir, Supportability, M & M Division.
	Director Strategic Sealift Division.
Office ACNO (Air Warfare)	Special Asst for Technology and Analysis.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Naval Observatory	Dir, Time Service Div.
Naval Data Automation Command Headquarters	Technical Director.
Naval Investigative Service Command	Dep Dir, Naval Investigative Service.
Naval Technical Intelligence Center	Technical Director.
	Director of Analysis.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command	Counsel.
	Engineering Officer.
	Comptroller.
	Deputy Commander.
Naval Tactical Support Activity	Dir, Navy Tactical Support Acty.
Naval Oceanography Command	Technical/Deputy Director.
Ofc of Commander in Chf/Allied Forces/Southern Eur	Director, Tactical Development & Training.
Office of the Commander-in-Chief, U.S. Pacific Fleet	Deputy Fleet Inspector General.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief, Research & Analysis.
Ofc of the Chief of Naval Education and Training	Comptroller.
	Deputy Chief of Naval Education & Training.
	Director, NROTC Selection and Placement.
Executive Development Cadre	Technology Assessment Consultant.
	Senior Quality Executive.
	Spec Asst to the Technical Director, NTSC.
	Spec Asst to the Chf Engineer of the Navy.
Naval Air Systems Command Headquarters	Dep Dir, Fleet Support & Field Activity Mgmt.
	Executive Director, Management, Plans & Progr.
	Exec Dir, Acquisition Mgt.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director, Weapons Sys Eng Division.
	Dir, Prod Integrity & Production Eng Division.
	Tec Dir, Avionics Systems Eng Division.
	Dir, Weapons Advanced Technology.
	Dir, Evaluation Div.
	Techn Dir, Res & Techn.
	Technical Director, Air Vehicle Division.
	Assoc Dir, Logistics Management Division.
	Combat Aircraft Contracts Director.
	Dir, Missile Weapons Systems Contracts Div.
	Dir, Systems Acquisition Directorate.
	Special Asst for Tom.
	Director, Cost Analysis Division.
	Dir, Surveillance and Avionics Division.
	Dir for Systems Definition & Alternatives.
	Techn Dir, Navy Ranges & Field Activity Mgmt.
	Director, Aircraft Division.
	Associate Dir, Propulsion & Power Division.
	Assoc Dir for Systems Engineering Management.
	Deputy Commander, Naval Air Sys Command.
	Dir, Cruise Missile Contracts Division.
	Director, Procurement Budget Division.
	Director, Airborne Weapons Logistics Division.
	Deputy Counsel, Navair.
	Exec Director for Aviation Depots.
	Asst Commander for Corporate Operations.
	Dir, Information Resources Mgmt Division.
	Dir, ASW/Support A/A Components Contracts Div.
Naval Air Warfare Center	Technical Director.
Naval Air Warfare Center Aircraft Division, Warminster	Head, AVCSTD.
	Exec Director.
	Assoc Executive Director.
	Head, MATD.
	Head, Syst & Software Technology Department.
	Head, Tactical Air Systems Department.
	Head, Warfare Systems Analysis Department.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Head, Air Vehicle Technology & Programs.
	Assoc Dep Head A/W D/Head, ASW A/D Division.
Naval Air Warfare Center Aircraft Division, Lakehurst	Executive Director.
	Chief Engineer.
Naval Air Warfare Center Aircraft Division	Executive Director.
	Dir, Systems Engineering Test Directorate.
	Director, Range Directorate.
	Dep Commander, NAWC-Aircraft Division.
Naval Air Warfare Center Aircraft Div, Indianapolis	Executive Director.
	Dir of Avionic & Electronic Systems Design.
	Director, AESAMT.
Naval Air Warfare Center Weapons Div, Pt. Mugu, CA	Dir Sea Range Directorate.
	Director Weapons Systems Evaluation Direct.
	Executive Director.
	Head Electronic Warfare Dep.
	Dep Comr for Test & Eval, NAWC-Weapons Div.
	Dir, Threat Simulation Directorate.
Naval Air Warfare Center Weapons Div, China Lake, CA	Laboratory Dir/Deputy Tech Dir.
	Head, Attack Weapons Department.
	Asst Tech Dir Deve (Ord Sys) & Dept Head.
	Tech Dir/Consultant.
	Head, Research Department.
	Director, Land Range Directorate.
	Head Aircraft Weapons Integration Dept.
	Head, Engineering Department.
	Head Intercept Weapons Department.
	Head, Range Department.
	Dir, Weapons Directorate.
	Dir, Aircraft Weapons Systems Directorate.
	Dep Commander for R&D, NAWC-Weapons Division.
	Head Weapons Planning Group.
	Asst Tech Dir/Head, Aerosystems Department.
	Asst Techn Dir for Technol B/T Base Director.
	Dir, Services & Information Directorate.
Naval Training Systems Center	Technical Director.
	Executive Director.
	Dir of Research & Engineering.
	Dep Dir of Research & Engineering.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Techn Dir, Ship & Shore Communications.
	Tech Dir, Navy Space Project Ofc.
	Deputy Comptroller.
	Counsel.
	Executive Director, Contracts.
	Technical Director.
	Techn Dir.
	Exec Dir, Comm Syst Prog Directorate.
	Tech Dir, Submarine Commun Prog Ofc.
	Techn Dir, Surveillanc D/A Development Prog.
	Program Manager for Strategic Defense Systems.
	Dep & Techn Dir, NCCS Afloat Prog Office.
	Dep Prog Dir, Space & Sensor Sys Directorate.
	Assoc Tech Dir for Research & Technology.
	Executive Director, Life Cycle Support Group.
	Exec Dir, Space Technology Directorate.
	Asst Commander Acquisition & Logistic Plnng.
	Exec Dir/Communications Syst Prog Directorate.
	Techn Dir, Warfare Syst Architecture Group.
	Exec Dir, Undersea Surveillance Prog Dir.
	Tech Dir, Warfare Systems Engineering.
	Dep CMDR for Navy Lab/Director of Navy Lab.
	Dir of Tech Head Engineering Tech Group.
	Chief Logis/Hd Acquisition & Logis Pol App Grp.
	Asst Commander for TALESD.
	Exec Dir Tech Acquist Logistics Eng Supp Dir.
	Exec Dir, NWSAED.
	Techn Dir, Satellite Communications Prog Ofc.
	Tech Dir, Technol A & A Program Directorate.
Naval Command Control & Ocean Surveillance Center	Technical Director.
Naval Command C & O Surveillance Ctr. RDT&E Division	Head, Surveillance Dept.
	Head, Antisubmarine Warfare Department.
	Head, Engineering & Computer Sciences Dept.
	Executive Director.
	Dep Exec Director.
	Head, Marine Sciences & Technology Dept.
	Head, Navigation & Air C3 Department.
	Head, Command and Control Department.
	Dir, Planning, I & A Office.
Nav Command Control & Ocean Surveil Comm West Coast Div	Executive Director West Coast ISE.
Naval Facilities Engineering Command	Counsel.
	Dep Dir of Programs & Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Deputy Commander for Contracts.
	Chief Engineer.
	Asst Commander for Real Estate.
	Asst Commander for Construction.
	Asst Commander for Engineering & Design.
	Spec Advisor for Res Dev, Test & Evaluation
Naval Facilities Eng Command Western Div	Executive Director, Broadway Complex.
Naval Civil Engineering Lab	Technical Director.
Naval Sea Systems Command	Dir, Research Techn & Assessment Ofc.
	Counsel.
	Asst Dep Commander for Contracts.
	Dep Prog Mgr & Tech Dir, PMS396B.
	Executive Director/Deputy Comptroller.
	Dir Ship Survivability Subgroup.
	Dir Preliminary Design Div AST Deputy Dir SDG.
	Prog Mgr, Mine Warfare Ship Program.
	Dir, Submarine Systems (S5W & S8G) Division.
	Director, Reactor Materials Divisions.
	Director, Secondary Plant Components Division.
	Head, Advanced Reactor Branch.
	Dir, Structural Integrity subgroup.
	Director, Naval Architecture subgroup Director.
	Deputy Director, Ship Design group.
	Director, Hull Engineering group.
	Director Cost Estimating & Analysis.
	Dir, Shipbuilding Contracts Division.
	Exec Dir, Industrial & Facility Mgmt Dir.
	Executive Director, Surface Ship Directorate.
	Exec Dir, Submarine Directorate.
	Dep Prog Mgr/ Tech Dir, ASMSAP.
	Dir, Reactor Plant Value Division.
	Asst Dep Comptroller, ASW & Mine Warfare Syst.
	Director, Corporate Operations.
	Deputy Commander for Fleet Logistics Support.
	Deputy Director, Supship Management Division.
	D/C Engineer, Design & Manufacturing Quality.
	Tech Dir, Theater Nuclear Warfare Prog Office.
	Asst Dep Commander for Electronic Warfare.
	Dep Prog Manager, Tech Dir Attack Subm Prog.
	Dep Prog Mgr, Surface Combatants Prog Office.
	Dir, Nuclear Propulsion Logistics Division.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Director for Submarine Refuelings.
	Dir, Surface Ship Systems Division.
	Deputy Director, Nuclear Components Div.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir, Ship Silencing Office.
	Dir, Propulsion Systems Subgroup.
	Dir, Hull System Subgroup.
	Exec Dir, WCS Directorate.
	Director, Field Operations Subgroup.
	Director, Machinery Group.
	Asst Deputy Commander for Combat Sys Eng.
	Director, Materials Engineering Office.
	D/D D/T Dir, AMPH & Combat S/S Logistic Div.
	Dep Dir, Electrical Systems Subgroup.
	Exec Dir, Anti-Air & Surface Warfare Systems.
	Exec Dir, Ship Design & Engrng Directorate.
	Prog Mgr, Amphibious W & S Sealift Program.
	Dir, Naval Shipyard Mgt Group.
	Dir, Surface Systems Contracts Division.
	Assoc Director for Regulatory Affairs.
	Asst Dep Commander, Surface & Area AAW Syst.
	Exec Dir, Amph, Aux, Mine & Sealift Ships Dir.
	Dir, Reactor Refueling Division.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.
	Prog Mgr, Deep Submergence Syst Prog.
	Asst Dep Comr & Dep Prog Mgr—Ship Self Def.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Consolidate Civilian Personnel Office/Crystal City	Dir, HRO–CC/C Asst for Civilian P & EEO Prog.
Naval Ship Systems Engineering Station	Technical Director.
	Dep Dir, Carderock Division/Dir, Navsses.
Naval Surface Warfare Center, Crane Division	Executive Director.
Naval Warfare Assessment Center, Corona	Technical Director.
Naval Undersea Warfare Center Div, Keyport, WA	Executive Director.
	Chf Res Scientist (Arctic Submarine Tech).
Naval Surface Warfare Center, Pt. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Technical Director.
Coastal Systems Station	Executive Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Head, Coastal Technology Department.
	Head, Engineering Test & Operations Dept.
	Head, Systems Dept.
Naval Surface Warfare Center, Carderock Division	Assoc Dir for Syst Devel/Head, Syst Dept.
	Director.
	Assoc Dir for Structures/Head, SSPD.
	Assoc Dir/Head CMLD.
	Assoc Dir/Head Ship Acoustics Dept.
	Assoc Dir/Head PASD.
	Assoc Dir/Head Ship Hydromechanics Dept.
	Assoc Dir, MST/Head, SMED.
	Assoc Dir/Head Ship Electro Signatures Dept.
	Assoc Dir for Tech/Dir of Technology & Plans.
Naval Surface Warfare Center, Dahlgren Division	Exec Director.
	Head Strategic Systems Department.
	Head, Weapons Systems Department.
	Head, Underwater Systems Department.
	Head, Combat Systems Department.
	Assoc Exec Dir for Evaluation.
	Head Eng & Info Syst Dept.
	Head, Electronics Systems Department.
	Deputy Executive Director.
	Head, Research & Technology Department.
	Head, Protective Systems Department.
	Head, Warfare Systems Department.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Assoc Tech Dir for Technology.
	Tech Dir, Consultant.
	Head, Test & Evaluation Department.
	Assoc Tech Dir for Submar Combat Control ACOU.
	Assoc Techn Dir for Submarine Warfare Systs.
	A/T Dir for Surface Anti-Submarine Warfare ASW.
	HD, Submarine Electromagnetic Sys Dept.
	Head, Combat Control Systems Department.
	Head, Combat Systems Analysis Staff.
	Director of Operations.
Naval Supply Systems Command Hdqtrs	Counsel.
	Asst Dep Cmdr for Fin Mgmt/Comp.
	Competition Advocate Gen/ADC, Contracting Mgr.
	Director of Contracting for Special Programs.
	Dep Cmmr for Info Resources Management.
	Dep Commander for Corporate Management.
	Dir Advanced Logis Tech Div.
	Prog Mgmt and Technology Program Mgmt Office.
	Executive Director.
Navy Ships Parts Control Center	Executive Dir for Contracts & Business Mgmt.
Navy Aviation Supply Office	Exec Dir, Acquisition & Logistics Plng & Suppt.
	Executive Dir, Logistics Planning & Support.
Navy Fleet Material Support Office	Exec Dir, Acquisition Mgmt & Planning.
Naval Supply Center, Norfolk	Exec Dir, ADP System Planning and Development.
U.S. Marine Corps Headquarters Office	Executive Director, Planning and Resources.
	Fiscal Dir of the Marine Corps.
	Dir, Contracts Division.
	Counsel for the Commandant.
	Deputy Asst Chief of Staff Intelligence.
	Asst Dep Chf of Staff for Installations & Log.
	Asst Dep Chief of Staff for Manpower.
	Asst Dep Chf of Staff for Requirements & Prog.
Marine Corps Systems Command	Executive Director.
	Comptroller.
Marine Corps Logistics Base Albany, GA	Executive Dir for Logistics Operations.
Office of Naval Research	Assoc Dir, ONR/Dir, Research Prog Dept.
	Dir Anti/Air Anti/Surf Warf & Aerspace Tec Dv.
	Dir, Fin Mgmt/Compt/Spec Asst (FM) To Asn (R,E&S).
	Director, Ofc of Naval Research.
	Dir of Planning and Assessment.
	Dep Dir for Technology Programs.
	Director, Computer Science Division.
	Dir, Ocean Biology/Optics/Chemistry Div.
	Dir, Office of Advanced Technology.
	Senior Advisor to the Navy Chair.
	Dep Dir, Ont/Dir, Plng & Assess Directorate.
	Dir, Office of Naval Technology.
	Director, Acquisition.
	Deputy Counsel (Patents).
	Dir, Ocean Eng Div.
	Dir, Industry Independent Res & Devel Dir.
	Counsel, Office of Naval Research.
	Director, Physics Division.
	Director, Chemistry Division.
	Dir, Support Technology Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dir, Cognitive & Neural Sciences Div.
	Director, Life Sciences Directorate.
	Director, Biological Sciences Division.
	Dir, Mathematical & Physical Sciences Dir.
	Dir, Mathematical Sciences Division.
	Dir, Engineering Sciences Directorate.
	Director, Electronics Division.
	Dir, Geo-Acoustics/Arctic Sciences Div.
	Dir, Ocean & Atmospheric Physics Div.
	Dir, Ocean Science Directorate.
	Deputy Comptroller.
	Dir, Anti Submarine Warefae & Undersea Tech.
	Director, Materials Division.
	Dir, University Business Affairs.
	Dir, Operations Resources & Management Directo.
	Assoc Dir, Research Prog Department.
	Spec Asst to the Dir, ONR for Oceans Sciences.
Ofc of Naval Research Detachment, Boston	Dir, Applied Physics Field Division.
Naval Research Laboratory, Stennis Space Center	Technical Director.
	Assoc Tech Dir & Dir, OPS Res & Strat Plnng.
	Assoc Tech D & D, Atmospheric Sci Directorate.
	Assoc Tech Dir & Dir, Ocean Science Directorate.
	Assoc Tech Dir & Dir, Ocean Acoustics & Tech Dir.
NATO Saclant ASW Research Center	Director NATO Saclant Asw Research Centre.
Naval Research Laboratory	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials Sci and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation Sci Div.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Info Technol Div.
	Head Combustion and Fuels Branch.
	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Assoc Dir of Res for Gen Sci & Technol.
	Supt, Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt, Tactical Electronic Warfare Div.
	Supt Underwater Sound Reference Division.
	Chief Sci Lab for Computational Physics.
	Chf Scientist & Head, Solar Physics Program.
	Chf Scie/Head, Radio/Infrared Astronomy Progr.
	Assoc Dir of Res for Business Operations.
	Chief Scientist & Beam Physics Program.
	Mgr. Joint Space Systems Technology Programs.
	Assoc Dir Res for Ocean & Atmospheric Sci Tec.
	Head Opt Tech Strategic Planning Organization.
	Superintendent, Space Syst Technology Dep.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Rese for Technical Services.
	Assoc Dir of Research for Strategic Planning.
	Head Program Coordination Office.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Spacecraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Chief Scientist for Telecom & Director.
Defense Nuclear Facilities Safety Board:	
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Dep Gen Counsel for Pol & Litigation.
	Chief, Health Physics Branch.
	Deputy General Manager.
Department of Education:	
Office of Management & Budget Chief Financial Officer	Deputy Director for Financial Managemen..
Office of Human Resources and Administration	Dir Admin Resource Management Service.
	Director Personnel Management Service.
	Director Financial Management Service.
	Director, Grants and Contracts Service.
	Chairperson, Education Appeal Board.
Inspector General	Deputy Inspector General.
	Assistant Inspector General for Audits.
	Asst Insp Gen for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Associate Inspector General.
	Dep Asst Inspector General for Investigation.
General Counsel	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
Educational Research and Improvement	Research Coordinator.
	Senior Advisor on Library Programs.
National Center for Education Statistics	Admr, Natl Center for Educational Statistics.
	Assoc Comr, Elem/Second Educ Stat Division
	Assoc Comr, Data Collection & Dissemination.
	Assoc Comr for Stat Std & Methodology Div.
	Assoc Comm Education Assessment Division.
Department of Energy:	
Office of Hearings & Appeals	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Albuquerque Operations Office	Dir, Weapons Quality Division.
	Dir Transportation Safeguards Div.
	Dir Budget & Resources Mgmt Div.
	Dir, Production Assurance & Ops Division.
	Dir, Weapons Programs Div.
	Project Manager, Wipp Project Site Office.
	Dir of Emergency Plans & Operations.
	Asst Manager.
	Dir Ofc of Mgt Plan & Analysis.
	Dir, Waste Mgmt & Operational Surety Div.
Chicago Operations Office	Asst Manager for Administration.
	Area Manager Batavia Area Office.
	Asst Mgr for Laboratory Management.
Idaho Operations Office	Deputy Manager for Business Management.
	Chief Financial Officer.
Nevada Operations Office	Chief Counsel.
	Assistant Manager for Administration.
Oak Ridge Operations Office	Asst Manager for Administration.
	Chief Financial Officer.
Richland Operations Office	Asst Mgr for Admin.
	Assistant Manager for Operations.
	Assistant Manager for Technical Support.
	Assistant Manager for Projects.
San Francisco Operations Office	Asst Mgr for Admin.
Savannah River Operations Office	Asst Mgr for Admin.
	Asst Mgr for Site Safeguards & Security.
	Chief Financial Officer.
Western Area Power Administration	Asst Admr for Mgmt Svcs.
Ofc of the Inspector General	Spec Asst for Policy and Planning.
	Counsel to the Inspector General
	Asst Inspec Gen for Pol & Plng & Mgt.
Ofc of Asst Insp Gen for Audits	Manager, Western Regional Audit Office.
	Director, Program Development Division.
	Manager, Eastern Regional Audit Office.
	Director, Audit Management Division.
	Dir, Capitol Regional Audit Office.
Ofc of Asst Insp Gen for Inspections	Asst Inspector Gen for Inspections & Analysis.
Ofc of Asst Insp Gen for Investigations	Asst Inspector General for Investigations.
	Deputy Asst Inspector Gen for Investigations.
Energy Information Administration	Director, EIA-ADP Services Staff.
	Dir, Ofc of Integration Nal & Forecasting.
Office of Oil & Gas	Dir, Ofc of Oil and Gas.
	Director, Petroleum Supply Division.
	Chief Data Analysis and Support Branch.
	Dir, Reserves and Natural Gas Division.
	Director, Petroleum Marketing Division.
Ofc of Coal, Nuclear, Electric & Alternate Fuels	Dir, Ofc of Coal Nuci Elec & Altern Fuels.
	Director, Electric Power Division.
	Dir, Nuclear and Alternate Fuels Division.
	Dir, Coal Division.
	Dir, Energy Supply & Conversion Div.
	Dir, Analysis & Systems Div.
	Dir, Survey Mgmt Div.
Office of Energy Markets & End Use	Director, Ofc of Energy Markets & End Use.
	Director, Economics & Statistics Division.
	Dir, Interni & Contingency Planning Division.
	Dir, Energy Analysis & Forecasting Division.
	Dir, Energy End Use Div.
	Dir, EEUISD.
	Dir, Energy Demand & Integration Div.
Office of Statistical Standards	Dir, Ofc Statistical Standards.
	Director, Quality Assurance Division.
Asst Sec for Conservation & Renewable Energy	Director, Waste Material Management Division.
	Dir, Wind/Hydro/Ocean Technology Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dir, Ofc Solar Energy Conversion.
	Assoc Dep Asst Secretary for Utility Tech.
	Dir, Ofc of Waste Reduction Tech.
Office or Renewable Technology	Dir, Geothermal Division.
Office of Nuclear Safety	Dir, Nuclear Safety Enforcement Division.
	Dep Dir, invest Nuclear Safety Enforcement Div.
	Dep Dir (Legal), Nuclear Sfty Enforcement Div.
Asst Secretary for Environment, Safety & Health	Director, Office of Environmental Audit.
	Dir, Office of Environmental Compliance.
Assistant Secretary for Defense Programs	Deputy Dir, Ofc Self Assess & Emergency Mgmt.
Dep Asst Sec for Military Application	Assoc Dep Asst Secy for Military Application.
Deputy Assistant Secretary for Facilities	Dir, Ofc of Res, Development & Testing Facil.
	Nuclear Weapons Complex Project Manager.
	Dir, Ofc of Field Security Oversight.
	Dir, Office of Inspections.
Deputy Asst Secry for Weapons for Complex Reconfigurati	Technical Director.
	Dir, Ofc of Environ Safety H & Q Assurance.
Das for Planning & Resource Management	Director, Ofc Mgmt Support.
	Dir, Ofc Program Analysis & Financial Mgmt.
Rocky Flats Office	Manager, Rocky Flats Office.
	Dep Mgr, Rocky Flats Office.
	Asst Mgr for Environmental Mgmt.
Dep Asst Sec for Energy Emergencies	Dir, Ofc of Energy Emergency Pol & Eval.
Office of Energy Research	Assoc Dir, Ofc of Scientific Computing.
Office of Management	Deputy Dir for Management.
	Director for Management.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, Office of Assessment & Support.
Office of Health & Environmental Research	Dir, Health Effects Research Division.
Office of Fusion Energy	Dir, International Programs Staff.
	Dir, Confinement Systems Div.
Office of Basic Energy Sciences	Dir, Engr Math and Geo Sci Div.
	Dir, Chem Sci Div.
	Dir, Mat Sci Div.
	Chf, Processes and Tech Br.
Office of High Energy & Nuclear Physics	Dir, High En Physics Div.
Ofc of Superconducting Super Collider	Assoc Dir for Superconducting Super Collids.
Science and Technology Adviser.	Dir for University & Science Ed Prog.
Dep A/S Sec for Mgmt Planning & Technical Coord	Director, Ofc of Resource Management.
Assistant Secretary for Nuclear Energy	Dir, Nuclear Operations & Analysis.
Deputy Assistant Secretary for Naval Reactors	Dir, Reactor Safety & Computation Div.
	Dir, Submarine Systems Div.
	Dir, Instrumentation & Control Div.
	Director, Office of Resources Management.
	Dep Dir, Kesseling/Windsor/Site/CGN/S6G Rec Sv.
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Prog Mgr for Prototypes & Sapso.
	Asst Chief Physicist.
	Director, Nuclear Technology Div.
	Dir, Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director, Reactor Materials Division.
	Director, Fiscal Division.
	Program Manager for Shipyard Matters.
	Dir, Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, West Milton Field Ofc.
	Prog Manager for Advanced Submarines.
	Head Advanced Concepts Branch.
	Senior Naval Reactors Representative.
	Engel, Walter P.
	Director, Acquisition Division.
Schnectady Naval Reactors Office	Asst Manager for Operations.
Pittsburgh Naval Reactors Office	Sr. Naval Reactors Rep. (Nwpt News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Manager, Idaho Branch Office.
	Asst Manager for Operations.
Dep Asst Secretary for Civilian Reactor Development	Dir, Isotope Production & Distribution Prog.
Office of Administration	Dir, Ofc of Information Resources Management.
Associate Director for Admin, Info & Fac Mgt	Dep Assoc Dir for Admin Info & Facilities Mgt.
Office of Administrative Services	Dir, Ofc of Admin Svcs.
	Dep Dir of Administrative Services (GTN).
	Dep Dir of Administrative Services (Wash, DC).
Ofc of Project & Facilities Management	Director, Policy Development Division.
Ofc of Irm Pol, Plans & Oversight	Dep Dir, Ofc of ADP Mgmt.
Associate Director for Human Resources Mgmt	Dir, Ofc of Irm Pol, Plans, & Oversight.
Office of Personnel	Dir, Office of Personnel & Career Development.
	Director, Classification & Staffing Division.
	Dir, Employee/Labor R & P Evaluation Division.
	Dir, of Personnel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Ofc of Organization & Management System	Dep Dir, of Personnel.
	Dir Ofc of Org and Mgmt Sys.
	Dir, Management Sys Analysis Div.
	Director, Management Systems Division.
	Dir, Organization & Manpower Analysis Div.
	Dir, Ofc of Organization, Res & Facilities Mgt.
Director Ofc of Civilian Radioactive Waste Management	Assoc Dir, Office of System & Compliance.
Office of New Production Reactors	Deputy Project Officer.
Office of Business Mgt	Dir Ofc, of Business Management.
	Deputy Dir, Ofc of Business Management.
Office of Environmental Restoration and Waste Mgmt	Assoc Das for Oversight & Self-Assessment.
Office of Technology Development	Dir, Div of Res & Development.
Office of Procurement, Assistance & Program Mgt	Director of Procurement & Assistance Mgmt.
Ofc of Assoc Dir for Procurement, Assice & Property	Assoc Dir, Ofc of Procurement, Asst & Property.
	Dir, Ofc of Contractor Mgmt & Admin.
Office of Policy	Dir, Ofc of Policy.
	Dir, Ofc of Policy.
Office of Clearance and Support	Director, Office of Clearance and Support.
	Dir, Ofc of Clearance & Support.
Office of Management Review & Assistance	Director, Procurement Management Rev Div.
	Dir, Ofc Mgmt Review & Assistance.
Ofc of Contractor Human Resource Mgt	Dir, Ofc of Industrial Relations.
Associate Director for Pgm/Proj Mgt & Control	Assoc Dir for Proseam/Proj Mgt & Ctrl.
Ofc of Pgm/Proj Mgt	Dir, Prog/Const Mgm, Proce & Operations Div.
Associate Dir for HQ Procurement Opns	Dir, Ofc of Procurement Operations.
	Dep Dir, Ofc of Procur Op.
Office of Fin Management & Controller	Deputy Controller.
	Controller.
Office of Budget	Dir, Ofc of Budget.
	Dep Dir, Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Budget Operations Division.
Office of Compliance & Audit Liaison	Dir, Ofc Compliance and Audit Liaison.
Ofc of Dept Acct & Fin Systems Development	Dir, Ofc of Dep Accounting & Fin Sys Dev.
Office of Headquarters Acct Operations	Dir, Ofc of Headquarters Accounting Operations.
Ofc of Small & Disadvantaged Bus Utilization	Dir, of Sm and Disadv Bus Utilz.
Office of Security Affairs	Dir, Ofc of Classification & Technology.
	Dir, Ofc of Security Affairs.
	Dep Dir, Ofc of Security Affairs.
Office of Contractor Employee Protection	Dir, Office of Contractor Employee Protection.
Environmental Protection Agency Ofc of the Assi Admr for Admin & Resources Management.	Dep Asst Admr for Admin & Resources Mgmt.
	Dep Asst Admr for Mgt.
	Dep Asst Admr for Finance & Acquisition.
	Senior Advisor for Environmental.
Office of the Comptroller	Dir, Ofc of the Comptroller.
	Dir, Financial Mgmt Div.
	Associate Comptroller.
	Director, Budget Division.
	Assoc Dir, Financial Management Division.
	Dir, Resource Management Division.
Office of Administration	Dir, Ofc of Administration.
	Deputy Dir, Ofc of Administration.
	Dir, Grants Admin Div.
	Dir, Procurement & Contracts Mgmt Division.
	Dir, Facilities & Support Services Division.
	Director, Management & Organization Division.
	Dir, New Headquarters Project Staff.
	Dir, Sfty, Health & Environmental Mgmt Div.
	Sr Advisor to the Dir/P & C Mgmt Div.
	Assoc Dir for Superfund/RCA Procurement Oper.
Office of Information Resources Management	Dir, Ofc of Information Resurces Management.
	Dep Dir, Ofc of Information Resources Magnt.
	Dir, Administrative Systems Division.
	Dir, Information Management & Services Div.
	Director, Program Systems Division.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir, Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—RTP, NC	Dep Dir, Ofc of Admin & Resources Mgt Rtp.
	Director Office of Administration & Res Mgmt.
	Director, Office of Data Processing.
Office of Human Resource Management	Assoc Dir, Ofc of Adm & Res Management.
	Director, Office of Human Resource Mgmt.
	Special Assistant to Director, OHM.
	Dep Dir, for Pol, Programs & Exec Resources.
	Dep Dir for Operations Comm & Client Services.
National Enforcement Investigations Ctr-Denver	Dir, Exec Res & Spec Prog Div.
	Dir, Nat'l Enforcement Investigations Center.
Office of Criminal Enforcement	Special Asst to the Dir NEIC.
Office of Compliance Analysis Program Operations	Director, Office of Criminal Enforcement.
	Dir, Ofc Compliance Analysis Prog Operations.
	Dep Dir, Ofc of Compliance A & P Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Office of Policy Analysis	Dir, Water & Agriculture Policy Div.
	Dir, Air & Energy Policy Division.
	Dir, Waste & Chemical Policy Division.
Office of Regulatory Management and Evaluation	Dir, Science, Econ & Statistics Div.
Office of International Activities	Dir, Multilateral Staff.
	Career Reserved Positions.
Office of the Inspector General	Deputy Inspector General.
	Assist Inspector Gen for Investigations.
	Asst Inspector General for Audits.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector General for Investigations.
	Asst Inspector Gen for Mgmt & Tech Assessment.
	Deputy Inspector General.
	Spec Asst to the Inspector General.
Office of Wastewater Enforcement and Compliance	Director, Enforcement Division.
	Director, Permits Division.
	Director, Municipal Support Division.
Office of Science and Technology	Senior Science Advisor.
	Dir, Standards & Applied Science Division.
	Director, Engineering & Analysis Division.
	Dir, Health & Ecological Criteria Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
	Dir Wetlands Division.
Office of Ground Water & Drinking Water	Dir, E & P Implementation Division.
	Director, Drinking Water Standards Division.
	Director, Ground Water Protection Division.
Office of Waste Programs Enforcement	Dep Dir, Office of Waste Programs Enforcement.
	Dir, CERCLA Enforcement Division.
	Director, RCRA Enforcement Division.
Office of Solid Waste	Director, Waste Management Division.
	Dir, Characterization & Assessment Division.
	Director, Permits & State Programs Division.
	Spec Asst to the Dir, Office of Solid Waste.
	Dir, Municipal & Industrial Solid Waste Div.
Office of Emergency and Remedial Response	Director, Hazardous Site Evaluation Division.
	Dir, Emergency Response Div.
	Director, Hazardous Site Control Division.
Ofc of the Asst Admr for Air and Radiation	Director, Ofc of Program Mgmt Operations.
Office of Air Quality Planning and Standards	Dir, Stationary Source Compliance Division.
	Dir, Emission Standards Division.
	Assoc Dir for Intermedia & Intgovt Prog.
	Director, Air Quality Management Division.
	Director, Technical Support Division.
	Deputy Dir Ofc of Air Quality Planning & Stds.
Office of Mobile Sources	Director, Emission Control Technology Div.
	Director, Certification Division.
	Dir, Manufacturers Operations Division.
	Dir, Field Operations & Support Division.
Office of Radiation & Indoor Air	Dir, Criteria & Standards Div.
	Dir, Surveillance & Emergency Prepared Div.
	Director, Radon Division.
	Dir, Radiation Studies Division.
Office of Atmospheric Programs	Dir, Global Change Division.
	Director, Acid Rain Division.
Ofc of Asst Admr for Pesticides & Toxic Substances	Dir, Ofc of Program Management Operations.
Office of Pesticides Programs	Dir, Ofc of Pesticides Programs.
	Dir, Registration Division.
	Director, Program Support Division.
	Dir, Biological & Economic Analysis Division.
	Sr Science Advisor/Nat'l Laboratory Aud Prog.
	Senior Advisor
	Dir, Spec Review & Reregistration Division.
	Dir, Envir Fate and Effects Division.
	Dir, Health Effects Division.
	Dir, Policy & Special Projects Staff.
Office of Pollution Prevention and Toxics	Director, Exposure Evaluation Division.
	Dir, Existing Chemicals Assessment Division.
	Dir, Health & Environmental Rev Div.
	Director, Environmental Assistance Division.
	Dir, Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.
	Dir, Chemical Screening & Risk Assessment Div.
	Dir, Chemical Management Division.
Ofc of Research Program Management	Spec Asst to the Dir, Ofc of Res Prog Mgmt.
Office of Health and Environmental Assessment	Director, Exposure Assessment Group.
	Director, Human Health Assessment Group.
Environmental Criteria & Assessment Ofc (RTP)	Dir, Environmental Criteria & Asses Ofc RTP.
Environmental Criteria & Assessment Office (CN)	Dir, Environmental Criteria & Assessment Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Atmospheric Rsch & Exposure Assessment Lab, RTP	Dir, Atmospheric Res & Exp Assessment Lab.
Environmental Monitoring Systems Lab—Cincinnati	Dir, Environment Monitoring Syst Lab.
Environmental Monitoring Systems Lab—Las Vegas	Dir, Env Monitoring Sys Lab, Las Vegas.
Air & Energy Engineering Research Laboratory—RTP	Dir, Air & Energy Eng Res Lab.
Risk Reduction Engineering Laboratory—Cincinnati	Dir, Risk Reduction Engineering Laboratory.
Environmental Research Laboratory—Corvallis	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory—Athens	Dir, Environmental Research Laboratory—Athens GA.
Robert B Kerr Environmental Res Laboratory)—ADA	Dir, Robert S Kerr Environmental Res Lab.
Environmental Research Laboratory—Duluth	Dir, Environmental Research Lab—Duluth.
	Senior Science Advisor.
Environmental Research Laboratory—Narragansett	Dir, Environmental Res Lab, Narragansett.
Environmental Research Laboratory—Gulf Breeze	Dir, Env Res Lab Gulf Breeze.
Health Effects Research Laboratory—RTP	Dir, Health Effects Research Lab—RTP.
	Dep Dir, Health Effects Res Lab RTP.
Ofc of Technology Transfer & Regulatory Support	Dir, Ofc of Technology Transfer & Reg Support.
Center for Environmental Research Information	Dir, Center for Environmental Research Info.
Office of Exploratory Research	Dir, Ofc of Exploratory Research.
Region I—Boston	Director, Water Management Division.
	Dir, Waste Management Division.
	Regional Counsel.
	Asst Regl Admr for Planning & Management.
	Dir, Air Pesticides & Toxics Management Div.
Region II—New York	Director, Environmental Services Division.
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir, Air & Waste Management Division.
	Regional Counsel, Region II, New York.
	Dir, Office of Emergency & Remedial Response.
Region III—Philadelphia	Director, Water Management Division Reg III.
	Regional Counsel.
	Director, Hazardous Waste Mgmt Div.
	Director, Environmental Services Division.
	Asst Reg Admin for Policy & Management.
	Dir, Air Management Division.
	Dir, Chesapeake Bay Program Office.
Region IV—Atlanta	Dir, Water Management Division Region IV.
	Dir, Environmental Services Division Region IV.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta, Georgia.
	Director, Waste Management Division.
Region V—Chicago	Dir, Air Management Div Region V.
	Dir, Envir Services Div Region V.
	Dir, Water Management Div Region V.
	Asst Regional Admr for Policy & Management.
	Regional Counsel.
	Director, Waste Management Division.
	Associate Division Director for RCRA .
	Assoc Div Director for Superfund.
	Dir, Great Lakes Natl Prog Ofc.
Region VI—Dallas	Dir, Air & Waste Management Div.
	Dir Water Management Division.
	Director, Environmental Services Division.
	Asst Regional Admr for Management.
	Regional Counsel.
	Dir, Air, Pesticides & Toxic Division.
Region VII—Kansas City	Regional Counsel.
	Director, Waste Mgmt Division.
	Asst Reg Admin for Policy & Mgnt—Reg VII.
	Director, Air and Toxics Division.
Region VIII—Denver	Dir Water Management Division.
	Director, Air & Waste Management Division.
	Regional Counsel.
	Dir Air Toxics Division.
	Asst Regional Admr for Policy & Management.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division
	Regional Counsel, Reg IX, San Fran, Cal.
	Dir, Toxics & Waste Management Div.
	Asst Regional Admr for Policy & Management.
Region X—Seattle	Dir, Water Div Reg X.
	Regional Counsel.
	Director Air and Toxics Division.
	Director, Hazardous Waste Division.
Equal Employment Opportunity Commission	
Office of the Chairman	Inspector General.
Office of Federal Operations	Dir, Office of Federal Operations.
Field Management—East	Program Manager (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	District Director (Detroit).
	Dist Dir (Miami).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Field Management—West	Dist Dir (Memphis). Dist Dir—(Birmingham). Dist Dir—(New Orleans). Dist Dir—(Charlotte). Dist Dir—(Cleveland). Dist Dir—(Philadelphia). Dist Dir (Houston). Dist Dir (San Francisco). Dist Dir (Dallas). Dist Dir (Chicago). Dist Dir—(St. Louis). Dist Dir—(Indianapolis). District Director (Los Angeles). Dist Dir—(Denver). Dist Dir—(Phoenix). District Dir—(San Antonio). Program Manager (Seattle). Program Manager (Milwaukee).
Federal Communications Commission	
Office of Inspector General	Inspector General.
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Mass Media Bureau	Chief, Audio Services Division. Chief, Video Services Division.
Private Radio Bureau	Chf, Enforcement Div. Chief, Land Mobile & Microwave Division.
Field Operations Bureau	Chief, Enforcement Division. Assistant Bureau Chief, for Technology.
Common Carrier Bureau	Chief, Tariff Division. Asst Bureau Chief (International). Chief, Domestic Facilities Division. Chief, Accounting & Audits Division.
Ofc of Engnieering Technology	Chief, Spectrum Engineering Division. Chief, Authorization and Evaluation Division.
Federal Emergency Management Agency:	
Office of the Director	Chief Financial Officer.
Office of the Inspector General	Deputy Chief Financial Officer. Deputy Inspector General. Asst Inspector General for Auditing. Asst Inspector General for Investigations. Asst Inspector Gen for Inspections.
Office of Management Services	Director of Security. Dir, Office of Acquisition Management.
National Preparedness Directorate	Deputy Associate Director. Senior Policy Advisor.
Office of Mobilization Preparedness	Asst Assoc Dir, Ofc of Mobilization Prepared.
Office of Analysis & Support	Asst Assoc Dir, Ofc of Analysis & Support.
Office of Facilities Management	Assistant Assoc Director.
Office of Systems Engineering	Special Asst for Architecture & Technology. Asst Assoc Dir, Ofc of Systems Engineering.
Office of Operations	Asst Associate Director, Ofc of Operations.
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Deputy Chief Accountant. Dir, Division of Audits. Director, Division of Accounting Systems.
Ofc of Hydropower Licensing	Dir, Div of Inspection.
Federal Labor Relations Authority:	
Office of the Chairman	Chief Counsel. Asst to the Chm for Prog Dev & New Initiative.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director. Solicitor. Dir, Information Resources & Research Serv.
Ofc of the General Counsel	Deputy General Counsel. Asst General Counsel (Appeals). Asst Gen Counsel, Legal Policy & Advice.
Regional Offices	Regional Director—Washington, D.C. Regional Director—Boston. Regional Director—New York. Regional Director—Atlanta. Regional Director—Dallas. Regional Director—Chicago, Illinois. Regional Director—Los Angeles. Regional Director—San Francisco. Regional Director—Denver.
Federal Maritime Commission:	
Office of the Members	Secretary.
Office of the Managing Director	Dep Managing Dir. Dir, Bureau of Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Prog Manager (Dir, Bur of Trade M & A).
	Dir, Bureau of Investigations.
	Dir, Bureau of Hearing Counsel.
	Deputy Managing Director.
Federal Retirement Thrift Investment Board	Assistant General Counsel (Admin).
	Assistant General Counsel (Programs).
	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
	Director of Communications.
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Olc of Executive Director	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
General Services Administration:	
Office of the Administrator	Dir, Olc of Small & Disadvantaged Bus Utilz.
	Dep AA for Operations & Industry Relations.
	Dep Assoc Admr for Network Services.
Office of Associate Administrator for Administration	Assoc Dir for Operations (CASU).
	Director of Personnel.
	Dir of Administrative Programs & Support.
	Dir, Total Quality Management & Training.
Office of the Chief Financial Officer	Director of Financial Management.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Administration.
	Asst Inspector Gen for Investigations.
	Asst Inspector General for Quality Management.
Office of Acquisition Policy	Assoc Administrator for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
	Policy Advr to the Asst Admr for ACQ Policy.
	Dir, Office of GSA Acquisition Policy.
Office of the Chief Financial Officer	Director of Finance.
	Director of Budget.
	Deputy Director of Finance.
Federal Property Resources Service	Asst Comm for Real Estate Policy/Sales (FPRS).
Public Buildings Service	Asst Regional Administrator, PBS Region 10.
	Asst Comm for Real Prop Mgmt & Safety.
	Asst Comm for Physical Security & Law Enf.
	Asst Comr for Procurement.
	Asst Comr for Real Property Development.
	Dep Asst Comm for Real Property Development.
	Dep Asst Comm for Real Prop Mgmt & Safety.
	Assistant Commissioner for Planning.
	Asst Comm for Govt Wide Real Prop Relations.
	Spec Asst/Asst Comr for Real Property Dev.
Office of Information Resources Management	Asst Comm for Info Resources Procurement.
	Dep Asst Comr for Info Res Mgmt Policy.
	Asst Comr for GSA Info Resources Management.
	Asst Commissioner for Technical Assistance.
	Dep Asst Comr for Regl Telecomm Services.
	Dir of Admin and Planning.
Office of Federal Supply and Services	Asst Commissioner for Customer Svc & Marketing.
	Asst Comm for Quality and Contract Admn.
	Asst Commissioner for Commodity Management.
	Asst Comr for Transportation & Property Mgt.
	Director for Transportation Audits.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Commodity Mgt.
Region 2—New York	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Federal Supply Service.
Region 3—Philadelphia	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Infor Reso Mgmt Ser, NE Zone.
	Asst Regl Admr Federal Supply Service.
National Capital Region	Asst Regl Admr for Info Resources Mgmt.
	Asst Regl Admr for Real Property M & O.
	Asst Reg Admr for Public Bldgs Service, NCR.
	Dir of Fed Domes Asst CTLG Staff (IRMS) NCR.
Region 4—Atlanta	Asst Reg Admr for Public Bldg Service
	Assistant Reg Admin for Inform Res Mgmt–R–4.
	Asst Reg Admr for Federal Supply & Services.
Region 5—Chicago	Asst Reg Admr for Public Bldg Service.
Region 6—Kansas City	Asst Regional Admr for Administration, R6.
	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Information Res Management.
Region 7—Forth Worth	Asst Reg Admr for Public Bldg Service.
	Asst Regl Admr for Info Resources Mgmt R–7.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Region 9—San Francisco	Asst Reg Admr for Federal Supply Service.
	Asst Commissioner for Public Buildings SVC.
	Asst Reg Admr for Federal Supply Service.
	Asst Reg Admr for Information Res Management.
Department of Health and Human Services:	
ODAS for Budget	Dir, Division of OS Budget Analysis.
	Dir Div of Integrity & Ogan Review
OADS for Finance	Dep Asst Sec, Finance.
	Dir, OFC of Grant & Contract Fin Management.
	Dir, Office of Financial Policy.
	Dir OFC of Financial Operations.
ODAS for Management and Acquisition	Dir, Office of Acquisition & Grants Mgmt.
	Dir Office of Gran & Mgmt.
	Dep Asst Secy, Ogam.
OAS for Planning and Evaluation	Dep to Deputy Asst Secry for Plann & Evaluat.
OAS for Personnel Administration	Asst Sec for Personnel Administration.
	Dir, OFC of Human Relations.
	Dir, Center for Human Res Strategic P & P.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
Office of the Inspector General	Principal Dep Inspector General.
	Asst Inspector Gen for Mgmt & Policy.
ODIG for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P & O.
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Inspector Gen for Social Security Audits.
	Asst Insp Gen for Human, F & D Serv Audits.
	Asst Inspector Gen for Health Care Fin Audits.
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Analysis & Inspections	Dep Insp Gen for Evaluation & Inspections.
	Asst Insp Gen for Analysis & Inspections.
Office of Program Support	Director, Ofc of Program Support.
	Dir, Ofc of Financial Management.
	Dep Dir, Ofc of Financial Management.
Ofc of Information Systems/Child Support Systems	Dir, Ofc of Infor Systems/Child Support Sys.
OAA for Management	Dir, Office of Financial Management.
	Chief Actuary.
	Dir, Bureau of Data Management and Strategy.
	Dep Dir, Bureau of Data Management & Strategy.
	Dir, Office of Medicare & Medicaid Cost Est.
	Dir, Office of Acquisitions and Grants.
OAA for Operations	Dir, Ofc of Prog Adm, Bur of Prog Operations.
	Director, Office of Financial Operations.
OAA for Program Development	Dir, Office of Demonstrations and Evaluations.
	Dir, Office of Research.
OAS for Health	Deputy Director, Office of Management.
	Director, Office of Resource Management.
	Dir, Div of Public Health Service Budget.
	Director, Ofc of Scientific Integrity Review.
	Director, Office of Research Integrity.
	Director, Div of Research Integrity Assurance.
Regional Administrators	Regl Health Administrator.
Alcohol, Drug Abuse & Mental Health Admin	Assoc Admin for Extramural Programs.
	Dir, Div of Community Prevention & Training.
Natl Inst on Alcohol Abuse & Alcoholism	Chief, Laboratory of Clinical Studies.
	Director, Division of Basic Research.
	Dir, Div of Intramural Clinical & Bio Res.
	Dir, Div of Biometry & Epidemiology.
	Director, Office of Scientific Affairs.
	Dir, Div of Clinical & Prevention Research.
National Institute on Drug Abuse	Director, Addiction Research Center.
	Director, Division of Clinical Research.
	Chief, Neuroscience Research Branch.
	Dir, Office of Extramural Program Review.
	Dir, Medications Development Division.
	Assoc Dir for Planning & Resource Management.
	Assoc Director for Services Research.
National Institute of Mental Health	Executive Officer, NIMH.
	Dir, Div of Basic Brain & Behavioral Sciences.
	Dir, Div of Educ & Serv Syst Liaison.
	Director, Division of Extramural Activities.
	Associate Dir for Special Program Operations.
Intramural Research	Dir, Intramural Research Programs.
	Dir, Division of Special Mental Health Research.
	Chf, Lab of Cerebral Metabolism.
	Chf, Lab of Neurochemistry.
	Chf, Lab of Gen & Comparative Biochemistry.
	Chf, Lab of Developmental Psychology.
	Chf, Clinical Neuropharmacology Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Chief, Lab of Psychology and Psychopathology.
	Chief, Laboratory of Neuropsychology DCBR
	Chief, Section Histopharmacology.
	Chief, Biological Psychiatry Branch.
	Chief, Child Psychiatry Branch.
	Dep Dir, Div of Intramural Res Programs.
Substance Abuse, & Mental Health Services Adm	Assoc Admr for Extramural Programs.
Center for Substance Abuse Prevention	Dir, Div of Comm Prevention & Training.
Center for Mental Health Services	Chief, Retrovirus Branch.
Center for Substance Abuse Treatment	Director, Division of Viral Diseases.
Centers for Disease Control	Senior Advisor for Public Health Management.
	Senior Advisor for Preventive Health Services.
	Director, Financial Management Office.
Center for Infectious Diseases	Asst Dir for Laboratory Science.
Natl Institute for Occupational Safety & Health	Assistant Director for Science.
	Executive Officer, NIOSH.
Center for Env Health & Injury Control	Dir, Div of Environmental Health Lab Sciences.
Center for Prevention Services	Dir, Div of Std/HIV Prevention.
National Center for Health Statistics	Assoc Dir for Analysis & Epidemiology.
	Associate Dir, Ofc of P & E Programs.
	Assoc Dir for Research & Methodology.
	Assoc Dir, Ofc of Vital & Health Stats Syst.
	Assoc Dir for Internal Statistics.
Food and Drug Administration	Director, Parklawn Computer Center.
	Dir, Medicine Staff.
Office of Regulatory Affairs	Dep Assoc Commissioner for Regulatory Affairs.
	Regl Food & Drug Dir, Reg III, Philadelphia.
	Regl Dir, Food & Drug Adm, Reg IV, Atlanta.
	Regl Food and Drug Director, Reg V, Chicago.
	Regional Food & Drug Dir, Reg VI, Dallas.
	Regl Dir, Food & Drug Adm, Reg IX (San Fran).
	Regl Food & Drug Dir (Northeast Region).
National Center for Toxicological Research	Director, Division of Biometry.
	Director, Office of Research.
Center for Food Safety & Applied Nutrition	Dir, Ofc of Physical Sciences.
	Dir, Ofc of Nutrition & Food Sciences.
	Assoc Dir for Laboratory Investigations.
	Dir, Div of Nutrition.
	Dir, Ofc of Compliance.
	Dir, Div of Chemical Technology.
	Director, Ofc of Toxicological Sciences.
	Director, Product Policy Staff.
	Director, Office of Seafood.
Center for Drug Evaluation and Research	Dir, Div of Anti-Infective Drug Products.
	Dir, Div of Scientific Investigations.
	Dir, Div of Cardio-Renal Drug Products.
	Dir, Ofc of Compliance.
	Dep Dir, Ofc of Epidemiology & Biostatistics.
	Dir, Div of Biometrics.
	Director, Div of Biopharmaceutics.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Metabolism & Endocrine Drug Prod.
	Dep Dir for Prog Management.
	Director, Division of OTC Drug Evaluation.
	Dir, Office of Drug Evaluation I.
	Director, Office of Drug Standards.
	Deputy Dir, Ofc of Drug Standards.
	Dir, Div of G & C Drug Products.
	Dir, Ofc of Drug Eval II Ctr for Drug E&R.
	Director, Office of Research Resources.
	Dep Dir, Office of Research Resources.
	Dep Dir, Office of Drug Evaluation II.
	Dir, Div of Anti-Viir Drug Products.
	Director, Pilot Drug Evaluation Staff.
	Director, Office of Management.
	Dir, Div of Oncology-Pulmonary Drug Products.
	Dir, Div of Med Imaging, S&D Drug Products.
	Dir, Ofc of Generic Drugs.
	Deputy Dir, Ofc of Generic Drugs.
	Director Monograph Review Staff.
Center for Biologics Evaluation and Research	Dep Dir, Ofc of Biologics Research & Review.
	Director, Division of Biochem & Biophysics.
	Director, Division of Bacterial Products.
	Dir, Division of Cytokine Biology.
	Director, Office of Biologics Research.
	Dir, Div of Biol Investigational New Drugs.
	Dir, Div of Biostatistics & Epidemiology.
Center for Veterinary Medicine	Dir, Ofc of Surveillance & Compliance.
	Director, Ofc of New Animal Drug Evaluation.
	Director, Office of Science.
	Dir, Div of Biometrics & Production Drugs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Center for Devices & Radiological Health	Dir Div of Therapeutic Drugs for Food Animals. Dep Dir for Human Food S&C Services. Dep Dir for Therapeutic & Production Drug Rev. Dep Dir, Ofc of Surveillance & Compliance. Dir Ofc of Device Evaluation. Dir, Ofc of Standards & Regulations. Dir, Office of Science & Technology. Dep Dir, Office of Science and Technology. Deputy Director, Office of Compliance. Dir, Div of Surgical & Rehabilitation. Dir, Division of Cardiovascular Devices. Dir, Ofc of Compliance & Surveillance.
Bureau of Health Resources Development	Dep Dir, Bureau of Health Resources Dev.
Office of the Director	Director, Div of Financial Management. Director, Division of Contracts & Grants. Dir, Ofc of Protection from Research Risk. Associate Director for Extramural Affairs. Associate Director for Disease Prevention. Dir, Ofc of Medical Applications of Research. Dir, Office of Scientific Integrity.
Nat'l Heart, Lung, & Blood Institute	Assoc Director for Review. Assoc Dir Epidemiology & Biometry Program. Chief, Sickle Cell Disease Br. Dir Div of Lung Diseases. Dir, Div of Blood Diseases & Resources. Dir, A/Sclerosis, Hypertension & Lip Met Prog. Dep Director Div of Extramural Affairs. Director, Division of Extramural Affairs. Dir Div of Epidemiology/Clinical Applications. Assoc Dir for International Programs. Chief, Biostatistics Research Branch. Deputy Dir, Division of Lung Diseases.
Intramural Research	Dir, Division of Intramural Research. Chf, Lab of Biochemical Genetics. Chf, Lab of Biochemistry. Chief, Molecular Hematology Branch. Chief, Lab of Biophysical Chemistry. Chief, Laboratory of Chemical Pharmacology. Chief, Macromolecules Section. Chf, Intermediary M&B Section. Chief, Laboratory of Cellular Metabolism. Chf, Lab of Kidney & Electrolyte Metabolism. Chief, Lab of Cardiac Energetics.
Division of Cancer Biology, Diagnosis and Centers	Dir, Div of Cancer Biology Diagnosis & Ctrs. Dep Dir, Div of Cancer Biology Diag & Centers. Chief, Lab of Cell Biol, Immun Prog, IRP. Chf, Microbial G&B Section, Lab of Biochem. Chief, Lab of Biochem Intramural Res Prog. Assoc Dir, Extramural Research Program. Chief Dermatology Br, Intramural Res Prog. Head, Cellular Immun of Modified Antigens Group. Chief, Lab of Tumor & Biol Immunology, IRP. Assoc Dir, Ctrs Training & Resources Prog. Chief, Laboratory of Molecular Biology.
Division of Cancer Etiology	Dir, Div of Cancer Etiology. Chief, Lab of Biology. Chief, Clinical Epidemiology Branch. Chief, Laboratory of Molecular Carcinogenesis. Chf, Lab of Experimental Pathology. Head, Math Statistics & Applied Mathematics S. Head, In Vitro Carcinogenesis Section.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control. Assoc Dir, Cancer Prevention Research Prog. Associate Dir, Surveillance Program, DCPC. Assoc Dir, Cancer Control Sci Program, DCPC.
Division of Extramural Activities	Assoc Dir, Early D&C Oncology Program. Dir, Div of Extramural Activities. Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment	Assoc Dir, Developmental Therapeutics Prog. Chf, Radiation Oncology Br. Assoc Dir, Radiation Research Program. Assoc/Dir, Biological Response Modifiers Prog.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir, Div Kidney, Urologic & Hematologic Diseases. Dir Division of Extramural Activities. Assoc Director for Research & Assessment. Assoc Dir, Disease Prevention Technol Transfer. Assoc Dir for Mgt & Operations.
Intramural Research	Chief, Section on Biochemical Mechanisms. Chf, Sect on Biochemistry. Chf, Sect on Metabolic Enzymes. Chf, Sect on Physical Chemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Chief, Section on Molecular Structure.
	Sr Res Physicist, Mathematical Research Br.
	Senior Research Chemist.
	Chief, Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief, Oxidation Mechanisms Section LBC.
	Chief, Laboratory of Biochemistry & Metabolism.
	Chf, Sec on Nuclear Mag Res, Lab/Chem Physics.
	Clinical Dir & Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.
	Chief, Metabolic Diseases Branch.
	Chief, Laboratory of Neuroscience, NIDDK.
	Chief, Epidemiology & Clinical Research Branch.
	Chf, Laboratory of Medicinal Chemistry.
Natl Inst of Arthr & Musculoskeletal & Skin Diseases	Chf, Lab of Physical Biology.
	Director, Extramural Program.
	Deputy Dir.
National Library of Medicine	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir, Specialized Info Services.
	Dep Dir, Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir, Natl Ctr for Biotech Info.
	Assoc Dir for Health & Info Prog Development.
Natl Inst of Allergy & Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantatn.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Lab of Microbial Structure and Function.
	Chief, Lab of Molecular Microbiology.
	Head Malaria Section.
	Dir, Div Acquired Immunodeficiency Syndrome.
	Assoc Dir for Administration & Operations.
	Deputy Dir, Division of Extramural Activities.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Head, Experimental Pathology Section.
	Dep Dir Div of Acquired Immunodeficiency.
	Head, Epidemiology section.
	Chief, Laboratory of Malaria Research.
Natl Inst on Aging	Scientific Director Gerontology Rsch Cntr.
	Clin Director and Chief Clin Physiology Br.
	Chief, Lab of Cellular & Molecular Biology.
	Associate Dir for Behavioral Sciences Res.
	Assoc Dir, Biomed Res & Clinical Medicine Prog.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo & Biometry Program.
	Assoc Dir, Ofc of Plnng, A&I Activities.
	Assoc Dir, Neurosci & Neuropsych of Aging Prog.
Natl Inst of Child Health & Human Development	Chief, Laboratory of Molecular Genetics.
	Dep Dir, Center for Population Res.
	Chf, Endocrinology & Reproduction Research Br.
	Director, Ctr Forres for Mothers & Children.
	Director, Cntr for Population Research.
	Chf, Lab of Neurochemistry & Neuroimmunology.
	Chief, Section on Growth Factors.
	Assoc Dir For Prevention Research.
	Chf, Section on Mammalian Gene Regulation.
	Chief, Section on Molecular Endocrinology.
	Chief, Section on Neuroendocrinology.
	Chief, Section on Microbial Genetics.
	Chief, Laboratory of Comparative Ethology.
	Associate Director for Administration.
Natl Inst of Dental Research	Dir, Natl Center for Medical Rehab Research.
	Chief Lab of Microbiology & Immunology
	Chf, Enzyme Chemistry Section.
	Dir, Extramural Program.
	Chief, Bone Research Branch.
	Chief, Neurobiology & Anesthesiology Branch.
Natl Inst of Environmental Health Sciences	Chf, Lab of Pulmonary Pathobiology.
	Chief, Lab of Genetics.
	Head, Mutagenesis Section.
	Head, Mammalian Mutagenesis Section.
	Dir, Div of Biometry and Risk Assessment.
	Senior Scientific Advisor.
	Dir, Div of Toxicology Research & Testing.
	Associate Director for Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Chief, Signal Transduction Section.
	Chf, Lab of Cellular & Molecular Pharmacology.
	Chief, Lab of Molecular & Integrative Neurosci.
	Chief, Lab of Molecular Carcinogenesis.
	Dir, Natl Inst of Environmental Health Science.
Natl Inst of General Medical Sciences	Dep Dir, Natl Institute of General Med Sci.
	Dir, Cell & Molec Basis of Disease Prog.
	Dir, Genetics Program.
	Assoc Dir For Program Activities.
	Dir, Pharmacological Sciences Program Branch.
	Dir, Bio Phys Sciences Program Branch.
Natl Inst of Neurological Disorders and Stroke	Dir, Div of Fundamental Neurosciences.
	Director, Division of Stroke & Trauma.
	Associate Director for Administration.
	Dir; Basic Neurosci Prog/Chf/Lab of Neurochem.
Clinical Neurosciences Program	Chief, Lab of Central Nervous System Studies.
	Chf, Dev & Metabolic Neurology Branch.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Hd, Cellular Neuropathology Section.
	Chief, Neuroimaging Branch.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology & Neuroanatomical S.
	Chf, Surgical Neurology Branch.
	Chief, Biometry & Field Studies Branch.
	Chief, Laboratory of Neurobiology.
	Chief, Laboratory of Neura Control.
	Chief, Brain Structural Plasticity Section.
	Chf, Lab of Viral & Molecular Pathogenesis.
	Chief, Stroke Branch.
National Eye Institute	Chief, Laboratory of Retinal Cell & Mol Biolog.
	Dir, Intramural Research Program, NEI.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
	Chief, Lab of Opnthamic Pathology.
	Assoc Dir, Biometry & Epidemiology Prog.
	Dep Assoc Dir, Biometry & Epidemiology Prog.
Natl Inst on Deafness & Other Communication Disorders	Chief, Laboratory of Molecular Biology.
	Dir, Div of Communication Sciences & Disorder.
	Dir, Div of Intra Res, NID & Other Comm Disor.
	Dir, Div of Extram Act, NID & Other Comm Diso.
NIH Clinical Center	Assoc Dir for Clinical Care/Dir, Clinical Ctr.
	Health Systems Administrator.
	Associate Director for Planning.
	Assoc Chf, Positon Emission T&R.
Division of Computer Research & Tech	Chief, Computer Center Branch.
	Chief, Physical Sciences Lab.
	Chief, Data Management Branch.
	Deputy Director.
John E Fogarty Intl Center	Assoc Dir for Intl Advanced Studies.
National Center for Research Resources	Dir, Gen Clinical Res Center Program Branch.
	Dep Dir for Extramural Research Resources.
	Dir, Biomedical Engr & Instrumentation Branch.
Division of Research Grants	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
National Center for Nursing Research	Director National Cntr for Nursing Research.
National Center for Human Genome Research	Deputy Director.
Agency for Health Care Policy & Research	Dir Ctr for Medical Effectiveness Research.
	Dir, Ctr for Gen Health Serv Intramural Res.
	Dir, Ctr Gen Health Svce Extramural Research.
	Dir, Ofc of Sci & Data Dev/Agcy for HCP & Res.
Ofc of Actuary	Chf Actuary.
	Dep Chief Actuary (Long-Range).
	Dep Chief Actuary Short Range SSA.
Office of Finance, Assessment and Management	Chief Financial Oricer.
	Senior Financial Executive.
Ofc of Financial Policy & Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations.
Office of Acquisition and Grants	Assoc Commissioner for Acquisition & Grants.
Department of Housing and Urban Development:	
Office of the General Counsel	Assoc Gen Coun for Program Enforcement.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Asst Inspector General for Management & Pol.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst Inspector Gen for P&O.
	Dep Asst Inspector General for Investigation.
	Deputy Inspector General for Operations.
Office of the Chief Financial Officer	Chief Financial Officer.
	Dep Chief Financial Officer for Operations.
	Dep Chief Financial Officer for Finance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dir, Section 8 Systems Project Staff.
	Dep Chief Financial Ofcr for Field Operations.
Assistant Secretary for Administration	Dep Dir Office of Personnel.
	Dir, Ofc of Budget.
	Dep Dir, Ofc of Budget.
	Director, Ofc of Procurements & Contracts.
	Deputy Director, Office of Finance & Accounting.
	Adm Comptroller-Dir, Ofc of Fin & Accounting.
Assistant Secy for Housing	Dir, Mortgage Insurance Acctng & Serv Group.
	Dir, Ofc. of Multifamily Housing Management.
	Dir, Office of Elderly & Assisted Housing.
	Housing/Fed Housing Adm Comptroller.
	Dir, Ofc of Multifamily Housing Pres Prop Dis.
	Dir, Ofc of Insured Multifamily Housing Devel.
	Housing FHA Comptroller.
	Dir, Ofc of Pol, P&F Systems Enhancements.
	Director, Resps Enforcement Unit.
	Director, Office of Evaluation.
Asst Secy for Fair Housing and Equal Opportunity	Director, Office of Investigations.
	Dir, Ofc of Fair Housing Asst & Voluntary Prog.
Asst Secy for Community Planning and Development	Dir, Office of Environment and Energy.
	Dir, Ofc of Block Grant Asst.
	Director, Office of Economic Development.
Government National Mortgage Association	Vice President for Asset Management.
	Vice President for Mortgage Backed Securities.
	Vice President for Finance.
Asst Secy for Public and Indian Housing	Gen Dep Asst Secy for Public & Indian Housing.
	Dir, Rental Asst & Moderate Rehab Division.
	Public & Indian Housing—Comptroller.
	Dir, Ofc of Management & Operations.
	Dir, Ofc of Construction, Reh & Maintenance.
	Dir, Office of Assisted Housing.
Region II New York	Manager Newark.
	Manager Buffalo.
Region IV Atlanta	Manager Jacksonville.
Region V Chicago	Manager Columbus.
	Manager Detroit.
	Manager Indianapolis.
	Manager Mn/St Paul.
Region VI Fort Worth	Manager Oklahoma.
Region IX San Francisco	Manager Los Angeles.
Department of Interior:	
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Asst Inspector General for Audits.
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Asst Solicitor, Bureau of Parks and Recreation.
	Special Asst to the Assoc Solicitor—Gen Law.
	Dep Associate Solicitor—Energy & Resources.
	Dep Associate Solicitor—Indian Affairs.
Asst Secy for Policy, Budget & Administration	Asst Dir for Economics.
	Asst Dir, Program Analysis Staff.
	Chief, Div of Budget Operations (A).
	Asst Dir for Special Analysis.
	Dep Agcy Ethics & Audit Coordination Officer.
	Chief, Division of Budget Operations (B)
	Chief, Div of Budget Admin.
Nat'l Park Service	Senior Scientist.
	Science & Technology Advisor.
	Asst Dir, Minority Business Enterprise.
	Asst Dir, Design & Construction (Mgr, DSC).
US Fish & Wildlife Service	Dep Reg Dir Reg 8 Rsch & Dev.
	Dep Asst Dir—Pol, Budget, & Administration.
	Exec Dir—North American Waterfowl Plan.
	Research Director Patuxent Research Center.
	Spec Asst to the Reg Dir Research & Develop.
Bureau of Mines	Resch Dir, Pittsburgh Research Center.
	Research Dir, Twin Cities Research Ctr.
	Research Director, Albany Research Ctr.
	Chief Div of Environmental Technology.
	Chief Division of Health Safety & Min Tech.
	Spec Asst to the Dir, Bureau of Mines.
	Senior Technical Advisor.
	Chief, Division of Resource Evaluation.
	Chief, Division of Policy Analysis.
	Chief Mineral Economist.
Bureau of Reclamation	Chief Div of Research & Lab Services.
	Dep Asst Commissioner—Engineering & Research.
	Director, Program Services Offices.
	Senior Scientist.
	Deputy Asst Commissioner—Resources Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Project Manager/Arizona Projects Office.
	Chief Div Prog Coordination & Finance.
US Geological Survey	Staff Geologist for NPRA/Alaska Activities.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chief, Eros Data Center.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Asst Div Chief for Information & Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Program, Budget & Adm.
	Asst Div Chf for Research.
	Asst Div Chf for Coordination & Requirements.
	Asst Div Chief for Production Management.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Asst Chf Hydrologist for Operations.
	Asst Chief Hydrologist for Scien Info Mgmt.
	Asst Chf Hydrologist for Water A&D Coord.
	Asst Chf Hydro for Res & Extrnl Coordination.
	Chief, Natl Water Quality Assessment (NAWQA).
	Asst Chf Hydrologist/Prog Coord & Tech Supp.
	Chf, Ofc of Atmospheric Deposition Analysis.
	Chf, Ofc of Hydrologic Research.
	Chief, WRSIC Program.
	Chief, Office of Water Quality.
	Chf, Br of Water Information Transfer.
	Chief, Office of Surface Water.
	Chf, National Water Data Exchange Program.
Geologic Div	Chief Geologist.
	Chief, Ofc of Earthquakes, Volcanoes & Engr.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf, Ofc of Mineral Resources.
	Chief, Office of Energy & Marine Geology.
	Chief, Office of International Geology.
	Chief, Office of Regional Geology.
	Asst Chief, Ofc of Energy and Marine Geology.
	Assistant Chief Geologist for Programs.
Bureau of Land Management	Deputy Asst Dir, Management Services.
	Director, Boise Interagency Fire Center.
	Dep Asst Dir, Lands & Renewable Resources.
	Dep Asst Dir, Energy & Minerals Resources.
	Spec Asst to the Director/FOI Representative.
Ofc of Surface Mining Reclam & Enforcement	Administrator-Technical Center-West.
	Dep Asst Dir, Eastern Fld Ops (Programs Ops)
	Asst Dir for Eastern Field Operator.
	Assistant Director, Western Field Operations.
Minerals Management Service	Regional Director, Gulf of Mexico OCS Region.
	Dep Associate Director for Offshore Leasing
	Chief, Leasing Management Division.
	Regional Manager, Atlantic OCS Region.
	Regional Manager, Alaska OCS Region.
	Assistant Assoc Dir for Offshore Minerals Mgt.
	Regional Manager, Pacific OCS Region.
	Program Director for Indian Royalty Asst.
	Dep Associate Dir for Offshore Operations.
	Dep Assoc Dir for Collection & Disbursement.
	Prog Dir, Ofc of Strategic & Internati Minls.
	Dep Assoc Dir for Valuation & Audit.
	Dep Assoc Dir for Administration
Asst Secy-Indian Affs	Spec Asst to the Asst Secy-Indian Affairs.
Bureau of Indian Affairs	Asst Dir of Administration (Financial Mgmt)
	Dep to the Dir, Indian Education Programs
International Development Cooperation Agency.	
Ofc of the General Counsel	Deputy General Counsel.
	Ethics Officer.
Office of the Inspector General	Asst Inspector General for Security
	Asst Inspector General for Investigations
	Counsel to the Inspector General
	Deputy Inspector General.
Office of Equal Opportunity Programs	Dir, Ofc of Equal Opportunity Programs
Directorate for Finance & Administration	Assoc Admin for Finance & Admin
	Director, Office of Financial Mgmt.
	Deputy Dir, Ofc of Financial Management.
	Dir, Office of Information Resource Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Deputy Director, Ofc of Procurement.
	Director, Office of Procurement.
	Deputy Director, Office of Infor Res Manag.
	Deputy Associate Administrator.
	Dep Dir, Office of HRDM.
	Dir, Ofc of Admin Services.
Interstate Commerce Commission:	
Office of the General Counsel	Assoc Gen Counsel—Litigation.
Ofc of the Managing Director	Assoc Managing Dir & Director of Personnel.
Office of Economics	Deputy Director—Accounts.
Bureau of Traffic	Dir, Bureau of Traffic.
Office of Compliance & Consumer Assistance	Deputy Director for Enforcement.
	Assoc Dir, Ofc of Compliance & Consumer Asst. Director.
	Dep Dir, Section of Operation & Enforcement.
Regional Offices	Regional Director (Philadelphia).
	Regional Director (Chicago).
	Regional Director (San Francisco).
Office of Proceedings	Deputy Director—Legal Analysis.
	Deputy Director—Legal Counsel.
	Assistant Deputy Director—Legal Counsel.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Ofc of the Legal Counsel	Special Counsel.
	Special Counsel.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	General Counsel.
	Dep Asst Inspector General for Investigations.
Office of the Deputy Attorney General	Dir Exec Ofc for Organ Crime Drug Enfor Task.
	Associate Deputy Attorney General.
Justice Management Division	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dep Asst Attorney Gen, Personnel Adm.
	Dir, Security & Emergency Planning Staff.
	Dir, Facilities and Administrative Svc Staff.
	Assoc Asst Attorney General, Legal Counsel.
	Counselor to the Asst Attorney Gen for Admin.
	Associate Assistant Attorney General.
	Director, Management and Planning Staff.
	Director, Budget Staff.
	Senior Management Counsel.
	Procurement Executive.
	Senior Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir, Procurement Services Staff.
Office of the Controller	Dep Asst Attorney General; Controller.
	Dir, Finance Staff.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.
Office of Personnel and Administration	Director, Personnel Staff.
	Director, Ofc of Atty Pers Mgmt.
Office of Info & Admin Services	Director, Computer Services Staff.
	Director, Systems Policy Staff.
	Dir, Legal and Informations Systems Staff.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chief Admin Hearing Officer.
Antitrust Division	Chief Economic Litigation Section.
Office of Litigation	Dep Dir of Operations.
	Chief, Competition Policy Section.
Civil Division	Director of Management Programs.
Commercial Litigation Branch	Spec Litigation Counsel (Foreign Litigation).
	Spec Litigation Counsel.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Dir Civil Frauds.
Federal Programs Branch	Special Litigation Counsel (Federal Programs).
	Deputy Branch Director (Federal Programs).
Torts Branch	Spec Litigation Counsel.
	Spec Litigation Counsel.
	Special Litigation Counsel (Tort Litigation).
	Deputy Branch Director.
	Deputy Branch Director.
	Deputy Branch Director.
	Director Office of Consumer Litigation.
Civil Rights Divison	Special Litigation Counsel.
Office of Environmental Resources	Special Litigation Counsel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Deputy Assistant Attorney General-I	Deputy Chief.
	Special Litigation Counsel (Legislative).
	SR Trial Attorney.
	Special Litigation Counsel.
	Spec Litigation Counsel.
Immigration and Naturalization Service	Associate Commissioner for Finance.
	Asst Commissioner for Detention & Deportation.
	Asst Commissioner for Adjudication & Natural.
	Assistant Commissioner for Border Patrol.
	Asst Comm for Employer & Labor Relations.
	Director of Internal Audit.
	Director of Security.
	Assoc Comr for Human Resources & Admin.
	Asst Comr, Budget.
Associate Commissioner for Information Systems	Assistant Commissioner for Records Systems.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
Executive Associate Commissioner for management	Asst Commissioner for Administration.
	Asst Commr for Personnel & Training.
Ofc of the Associate Attorney General	Deputy Associate Attorney General.
Executive Ofc for U.S. Attorneys	Dir Ofc of Mgnt Information Systems Support.
	Dir, Office of Administration & Review.
Criminal Division	Deputy Chief, Fraud Section.
	Chief, Terrorism & Violent Crimes Section.
	Chief, Money Laundering Section.
	Special Counsel for Money Laundering.
	Special Coun for International Programs.
	Senior Counsel.
	Senior Appellate Counsel.
	Senior Counsel.
	Executive Officer.
Ofc of Senior Counsels	Sr Counsel for Litigation.
Ofc of Deputy Asst Attorney General I	Cnsl to the Ofc; Ofc of Spec Investigations.
	Counsel to the Office Fraud Section.
Federal Prison System	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Comm for Fed Prison Industries.
	Dep Asst Dir for Edu and Vocational Training.
	Deputy Asst Dir for Admin.
	Cortl Prog Admr Asst Dir for Human Res Mgmt.
	Sen Dep Asst Dir, Admin Div.
	Senior Deputy Asst Dir, Health Services Div.
	Senior Deputy Assistant Director.
	Assistant Dir, Program Review Division.
	Sr Dep Asst Dir, Federal Prison Industries.
	Regional Director, Mid Atlantic Division.
	Chief of Staff to the Director.
	Correctional Institution Administrator.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol, & Public Afrs Div.
	Warden, Talladega AL.
	CIA (Warden), FCI, Texarkana, Texas.
	Sen Dep Asst Dir, Health Services Division.
	Correctional Institution Admin (Warden).
	Sr Dep Regl Director, Mid-Atlantic Region.
	Gen Counsel, Fed Prison Industries (Unicor).
	Warden, Allenwood, Pennsylvania.
	Chief Executive Officer (Warden).
	Senior Management Counsel.
Office of Correctional Programs	Correctl Instit Admr (Warden) FCC, Floren, CO.
	Dep Asst Dir for Correctional Programs.
Northeast Region	Asst Dir, Correctional Programs Div.
	Regional Director.
	Warden, Lewisburg, PA.
	Warden, Danbury, Conn.
	Warden, McKean, PA.
Southeast Region	Senior Deputy Regional Director.
	Regional Director.
	Warden, Atlanta.
	Warden, Lexington, Kentucky.
North Central Region	Warden, Butner, North Carolina.
	Regional Director.
	Warden, Leavenworth, Kansas.
	Warden, Springfield, MO.
	Warden, Marion, IL.
	Warden, Terre Haute, IN.
	Correctional Institution Admr.
	Warden, Fed Correctional Institution.
South Central Region	Correctional Institution Admr (Warden).
	Regional Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Warden, El Reno, Okla.
	Warden, Memphis, TN.
Western Region	Regional Director.
	Warden, Terminal Island, CA.
	Warden, Lompoc, CA.
	Warden, Phoenix, AZ.
	Warden, Federal Correctional Institution.
Ofc of Justice Programs	Comptroller, Ofc of the Comptroller.
National Institute of Justice	Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics	Deputy Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Sr Mgt Counsel, (Federal Bureau of Prisons).
	Associate Director for Administration.
	Associate Director for Operations.
	Assistant Director for Financial Management.
	Assistant Director for Human Resources.
	Special Prosecs Officer.
	Associate Director for Operations Support.
	Associate Director, for Administrative Serv.
	Asst Dir for Research & Development.
Department of Labor:	
Ofc of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgmt & Legislative Assmt.
	Asst Inspector Gen for Labor Racketeering.
	Counsel to the Inspector General.
Office of the Deputy Secretary	Director, DOL Academy.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Associate Solicitor for Spec Litigation.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Dir, Office of Management.
	Associate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV--Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Director, Office of Budget.
	Dir of Management Policy and Systems.
	Comptroller for the Department.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Director, Directorate of Civil Rights.
	Dir Natl Capital Service Center.
	Director of Information Resources Management.
	Dir, Administrative & Procurement Programs.
Office of Management, Administration and Planning	Dir Ofc of Mgmt, Administration and Planning.
Ofc of Federal Contract Compliance Programs	Director, Division of Programs Operations.
Wage and Hour Division	Asst Admin for Policy Planning & Review.
	Dep Wage & Hour Admin.
Ofc of Workers Compensation Programs	Dir, Federal Employees Compensation.
	Dir, Coal Mine Workers Compensation.
Pension & Welfare Benefits Administration	Director of Enforcement.
	Dir of Regulations & Interpretations.
	Director of Program Services.
	Deputy Director of Program Services.
	Senior Dir of Policy & Legislative Analysis.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
Office of Labor Management Standards	Dir, Ofc of Elect Trustshp/Interm'l Union Audit.
	Director, Ofc of Policy & Program Support.
Bureau of Labor Statistics	Deputy Commissioner.
	Associate Commissioner for Field Operations.
	Assoc Commr for Publications & Spec Studies.
Data Analysis	Assoc Commr, Economic Growth.
	Assoc Comm for Prices and Living Conditions.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Assoc Commr Productivity & Technology.
	Assoc Comr for Research & Evaluation.
	Assoc Comm for Employment & Unempl Statistics.
	Dep Assoc Commr for Prices & Living Cond.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Dep Assoc Comm for Empl & Unempl Statistics.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Commissioner for Current Employ Analysis.
	Asst Comr for Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
	Asst Comm for Survey Methods Research.
	Asst Comm for International Prices
Administrative and Internal Operations	Dep Comm for Adm and Internal Operations.
	Assistant Commissioner for Administration.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Comr for Technology & Survey Processing.
	Dir Quality & Info Management.
Office of Work-Based Learning	Director, Ofc of Trade Adjustment Assistance.
Office of Financial & Administrative Management	Comptroller.
	Admr, Ofc of Financial & Administrative Mgmt.
	Dir, Ofc of Information Resources Management.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs	Dir Health Standards Programs.
Safety Standards Programs	Director Safety Standards Programs.
Federal/State Operations	Director, Federal/State Operations.
Technical Support	Director, Technical Support.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
Merit Systems Protection Board:	
Office of the Board	Deputy General Counsel.
Ofc of the Executive Director	Executive Director.
	Deputy Executive Director.
	Director, Office of Policy & Evaluation.
	Deputy Director Office of Appeals Counsel.
	Director, Office of Administration.
	Dir, Office of Management Analysis.
	Director, Office of Regional Operations.
Regional Offices	Regional Director, San Francisco.
	Regional Director, Chicago.
	Regional Director, Atlanta.
	Regional Director, Philadelphia.
	Regional Director, Dallas.
	Regional Director, Washington, D.C.
National Aeronautics and Space Administration:	
Ofc of the Administrator	Associate Admin for Small Disadvantaged Bus.
	Director Benchmarking & External Programs.
	Director of Special Studies.
Office of the Comptroller	Assistant Comptroller for Systems Analysis.
	Deputy Chief Financial Officer.
	Asst Comptroller for Prog S & C Assessment.
Financial Management Division	Dep Dir, Financial Management Div.
Resources Analysis Divison	Director, Resources Analysis Division.
	Dep Dir, Resources Analysis Division.
Congressional Relations Office	Deputy Assistant Administrator.
	Dir, Congressional Liaison Division.
Ofc of Safety and Mission Quality	Director, Safety and Product Assurance Office.
	Dir, NASA Q & P Improvement Programs Division.
	Director, Safety Division.
	Dir, Reliability, M/Q Assurance Division.
	Dep Assoc Adm for Safety & Mission Quality.
	Dir, Technical Standards Division.
	Director, Programs Assurance Division.
	Dir, Systems Assessment Division.
Ofc of the Assoc Admr, Space Science and Applications	Special Ast to the Deputy Assoc Admin.
	Special Assistant to Associate Administrator.
	Asst Assoc Administrator (Institutions).
	Mgr, Unmanned Launch Vehicles/Upper Stages.
Earth Science and Applications Division	Chief, Flight Programs Branch.
	Chf, Upper Atmospheric R/T Chemistry Branch.
	Chf, Atmospheric Dynamics and Radiation Br.
	Chief, Land Processes Branch.
	Chf, Advanced M/I Science Research Branch.
	Spec Asst to the Dir, Earth Sci/Applications.
Communications Division	Chf, Information Systems Branch.
Life Sciences Division	Chief, Space Medicine & Biology Branch.
	Dep Dir, Life Sciences Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Administration and Resources Management Division	Dep Dir, Administration & Resources Mgmt Div.
Solar Systems Exploration Division	Dep Dir, Solar System Exploration Division.
	Manager, Cral-Cassini Program.
	Chief, Flight Programs Branch.
Flight Systems Division	Chf, Space Station Utilization Branch.
	Chief, Microgravity Payloads Branch.
	Deputy Dir Flight Systems Division.
Astrophysicis Division	Chf, High Energy Astrophysics Br.
	Chief, Astronomy/Relativity Branch.
	Deputy Dir, Astrophysics Division.
	Chief, Observatories Development Branch.
Microgravity Sciences and Applications Div	Dep Dir Microgravity Science Applications Div.
	Dir, Microgravity Sciences & Applications Div.
	Chief, Flight Programs Branch.
Space Physics Div	Chief, Solar Physics Branch.
	Dep Dir, Space Physics Division.
	Chief, Flight Programs Branch.
	Director, Space Physics Division.
Office of Procurement	Asst Admr for Procurement.
	Dir, Advanced Procurement Planning Division.
	Director, Program Operations Division.
	Director, Procurement Policy Division.
	Dir, Procurement Management Division.
	Dep Assistant Administrator for Procurement.
	Dir, Contract Pricing & Finance Office.
	Dir Contract Management Division.
Ofc of Asst Admr for Commercial Programs	Dir, Commercial Development Division.
	Deputy Assistant Administrator (Programs).
	Dir, Small Business Innovation Res Office.
	Special Asst for Industry Planning.
	Spec Asst to the Asst Admr.
Ofc of the Assoc Admr, External Relations	Director, Aircraft Management Office.
	Mgr, Institutional Planning & Operations.
Industry Relations Division	Dep Dir Industry Affairs Division.
International Relations Division	Dep Dir, International Relations Division.
Ofc of the Assoc Admr Space Flight	Chief Medical Officer.
	Dep Manager Space Shuttle Operations.
	Dep Assoc Admr for Space Flight (Russian AFS).
	Manager, Man-Tended Capability.
	Manager Operations Integration.
	Asst Assoc Admin (Policy).
Resources Management	Manager, Program Control Office (Reston).
	Director, Resources Management Division.
	Chief Program Evaluation.
	Manager, Program Control (JSC).
Transportation Services	Manager, Flight Requirements & Analysis.
	Dep Dir Transportation Services Division.
	Dir Transportation Services Offices.
	Manager National Security & DOD Affairs.
	Chf, U S civil & Intl Payloads Branch.
Flight Systems Directorate	Dir Unmanned Launch Vehs & Upper Stgs Div.
	Director, Shuttle Carrier Systems Division.
	Manager, Heavy Lift Launch Vehicle.
	Manager, Orbital Maneuvering Vehicles.
Space Shuttle Directorate	Manager, Operations Integration.
	Dir, Program Planning & Control Division.
	Deputy Director, Space Shuttle Operations.
	Special Asst to the Director.
Space Shuttle Program	Manager Natl Space Trans Syst Eng Integration.
	Manager, Management Integration.
	Deputy Manager for Integration.
	Mgr, Natl Space Trans Syst Integration & Ops.
	Director, Space Shuttle.
	Mgr, Assured Shuttle Availability.
	Dep Dir, Space Shuttle Program (JSC).
	Manager, Shuttle Projects Office (MSFC).
	Manager, Operations Integration (JSC).
	Manager Management Integration.
Systems Engineering and Analysis Division	Chief, Shuttle Systems Branch.
	Dep Dir, Syst Eng & Analysis Division.
	Chief, Shuttle Propulsion.
	Chief, Shuttle Orbiter/GFE.
Operations Utilization Division	Chief, KSC Projects.
	Director, Operations Utilization Division.
Institutions Directorate	Dir, Institutions.
Space Station Freedom Directorate	Special Assistant to the Director.
	Technical Assistant to the Director.
	Depassoc Adm for Space Station Freedom.
Space Station Engring Division	Dir, Engineering Division.
Space Station Operations and Utilization Division	Dir, Space Station Opns & Utilization Div.
	Chief Utilization.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Space Station Freedom Program and Operations	Technical Assistant to the Deputy Director.
	Dep Mgr Space Station Freed Prog & Operations.
Special Projects Office	Dep Dir, Space Station Freedom P & Ops.
	Manager, Special Projects Office.
Program Engineering Office	Deputy Manager Special Projects Office.
	Deputy Manager Program Engineering Office.
	Manager Systems Engineering Office.
Utilization and Operations Office	Manager Avionics Systems.
	Manager, Utilization & Operations Office.
	Manager Space Operations Office.
	Dep Manager, Utilization & Operations Office.
	Manager Ground Operations and Logistics.
	Manager Mission Integration.
Management Integration Office	Manager Payload Integration.
	Dep Mgr Mgt Integration Office.
	Manager Tech Mgmt & Info System Office.
International Program Office	Manager, Management Integration Office.
	Deputy Manager, International Programs.
	Assistant Manager, International Program Ofc.
Integration Office	Manager, International Program Office.
	Manager System Integration.
	Manager for Integration.
Office of Management Systems and Facilities	Director, Management Operations.
Facilities Management	Dir, Fac Utilization, M & E Compliance Div.
	Dir Facilities Plan & Construction Division.
	Deputy Director, Facilities Engineering Div.
	Director, Facilities Engineering Division.
Logistics and Security	Dep Asst Assoc Admr for Fac Eng Ofc of Mgmt.
	Spec Asst to the Dir Logis Aircraft Sec Ofc.
Information Systems Division	Dir, Logistics & Security Division.
	Director, Information Resources Mgmt Division.
Automated Information Management Program Office	Dep Dir, Information Res Mgmt Division.
Ofc of Exploration	Director, Automated Info Mgmt. Prog Ofc.
Headquarters Operations	Director for Advanced Development.
Ofc of Director for Aeronautics	Dir, Information Syst & Technology Division.
	Asst Dir for Aeronautics (H–S Aircraft).
	Deputy Director for Aeronautics.
Office of Space Exploration	Asst Dir for Aeronautics High Perfor Aircraft.
	Asst Dir for Aeronautics Subsonic Aircraft.
	Asst Dir for Space Explorations (Intl).
	Dep Assistant Administrator for Exploration.
	Manager for Space Exploration (Res & Technol).
	Asst Dir for Space Exploration (Comms).
	Asst Dir for Space Exploration (Prog Defin).
	Manager, Space Exploration (Support Planning).
Ofc of Dir for Space	Special Asst for Strategic Planning.
	Deputy Director for Space Technology.
	Asst Dir for Space Technol (Prog Development).
	Asst Dir for Space (Spacecraft Technology).
Ofc of Dir for Institutions	Director for Space Technology.
	Asst Director for Institutions (Facilities).
	Asst Dir for Institution (Information Syst).
	Dir, Resources & Management Systems Office.
	Director for Institutions.
Aerodynamics Division	Director for Institutions.
Materials & Structures Division	Deputy Dir Aerodynamics Division.
Propulsion, Power, & Energy Division	Director, Materials and Structures.
National Aerospace Plane Office	Dir, Propulsion, Power and Energy Division.
	NASA Dep Prog Mgr, Natl Aero-Space Plane Prog.
	Dep Prog Manager, Natl Aero-Space Plane.
	Dep Dir, National Aero-Space Plane Office.
	Director National Aero-Space Plane.
Office of Human Resources and Education	Director for Plans.
	Associate Administrator for Human Resources.
	Director, Education Division.
	Director, Management Systems.
Ofc of the Assoc Admr Space Operations	Director, Personnel Division.
	Dep Assoc Adm for Human Res & Education.
	Assistant Associate Administrators (Plans).
	Special Asst (Operations).
Network System Division	NASA Australian Representative.
	Manager Space Network Operations.
	Dir, Ground Network Division.
Communications and Data Systems Division	Dep Dir, Ground Network Division.
	Dir, Communications & Data Systems Div.
TDRSS Division	Chief, Communications Systems Branch.
	Manager, White Sands Space Network Complex.
Ofc of Equal Opportunity Programs	Manager, TDRSS Continuation Program.
Discrimination Complaints Division	Dir Minority Univ Res & Educ Prog Div.
Office of the Inspector General	Director, Discrimination Complaints Division.
	Assist Inspector General for Investigation.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Assistant Inspector General for Auditing.
AMES Research Center	Asst to Center Dir for Advanced Sys Design.
Administration Directorate	Comptroller.
	Deputy Director of Administration.
Aerospace Systems Directorate	Chief, Aerodynamics Division.
	Chf, Flight Systems & Simulation Rsch Div.
	Chief, Aerospace Projects Office.
	Deputy Dir Aerospace Systems Directorate.
	Chief Aircraft Technology Division.
Space Research Directorate	Chief, Space Science Division.
	Chief, Earth Systems Science Division.
	Chf, Aerospace Human Factors Research Div.
	Chief, Advanced Life Support Division.
	Deputy Director of Space Research.
Engineering and Technical Services Directorate	Dep Director, Engineering & Tech Svcs.
Aerophysics Directorate	Chief, Computational Fluid Dynamics Branch.
	Chf, Systems Engineering Div.
	Chief, Full Scale Aerodynamics Research Center.
	Chief, Fluid Dynamics Division.
	Chief, Computer Systems & Research Division.
	Chief, Thermoscience Division.
	Chief, Information Sciences Division.
	Deputy Director of Aerophysics.
Flight Operation and Research Directorate	Chief, Science & Applications Aircraft Div.
	Chf, AMES Research Aircraft Operations Div.
Dryden Flight Research Facility	Chf Engineer.
	Chf, Flight Operations Division.
	Assoc Dir, Dryden Flight Research Facility.
	Dep Dir, NASA AMES Res Center DFRF.
Goddard Space Flight Center	Comptroller.
	Director of Human Resources.
	Dir of University Programs.
Management Opers Directorate	Dep Dir of Management Operations.
	Associate Director for Acquisition.
Flight Assurance Directorate	Director of Flight Assurance.
	Dep Dir of Flight Assurance.
Flight Projects Directorate	Deputy Director of Flight Projects.
	Assoc Dir of Flt Proj Space Stat Frdm-Goddard.
	Dep Assoc Dir of Flight Proj for EOS Res Mgt.
	Dep Assoc Dir of Flight Proj for H-S-T.
	Dep Dir Flight Project for Ping Business Mgmt.
	Assoc Dir of Flight Proj Flight Proj Dir.
	Mgr, Hubble Space Telescope Oper & Ground Syst.
	Project Manager, Gamma Ray Observatory.
	Assoc Dir of Flight Proj for Earth Obs Syst.
	Assoc Dir of Flt Proj Hubble Space Telescope.
	Proj Mgr, Intl Solar Terr Physics Proj (ISTP).
	Dir of Flight Projects.
	Proj Mgr, Hubble Spc Telescope Syst & Serv.
	Project Manager, Meteorological (METSAT) Projec.
	Dep Assoc Dir of Flight Proj Hubble Space Tel.
Mission Operations & Data Systems Directorate	Asst Director for Systems Engineering.
	Chief, NASA Communications Division.
	Assoc Dir of Mission Operations & Data Syst.
	Dep Dir of Mission Operations & Data Systems.
	Chief, Networks Division.
	Chief, Flight Dynamics Division.
	Chief, Mission Operations Division.
Space & Earth Sciences Directorate	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Assoc Dir for Projects Engineering.
	Chief, Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Chf, Laboratory for Atmospheres.
	Director of Space Sciences.
	Deputy Director for Earth Sciences.
	Chief, Goddard Institute for Space Studies.
	Associate Director for Science.
	Chief, Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
	Director for Earth Sciences.
	Chief, Laboratory for Terrestrial Physics.
Engineering Directorate	Dep Dir of Engineering.
	Chief, Instrument Division.
	Chf, Applied Engineering Div.
	Chief Engineer.
	Chief, Special Payloads Division.
	Asst Dir of Engineering for Development Proj.
	Associate Director of Engineering.
Suborbital Projects and Operations Directorate	Chf, Operations Division.
Johnson Space Center	Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Assistant Director (Plans).
	Dir of Public Affairs.
	Spec Asst for Engineering Operations & Safety.
	Assistant Director.
	Director of Procurement.
	Director of Human Resources.
New Initiatives Office	Manager, New Initiatives Office.
	Deputy Manager, New Initiatives Office.
Center Support	Deputy Dir, Center Operations.
	Dir Admin.
	Deputy Director, Administration.
	Dir, Center Operations.
Space Operations	Assistant Director, Mission Operations.
	Director, Mission Operations.
	Deputy Asst Dir for Program Support.
	Chief, Aircraft Operations Division.
	Director Information Systems.
	Deputy Director, Mission Operations.
	Assistant Director for Program Support.
	Chief, Space Station Ground Systems Division.
	Dep Dir, Flight Crew Operations.
	Asst Dir for Space Shuttle Program.
	Chief, Space Shuttle Ground Syst Division.
	Deputy Director, Information Systems.
Research & Engineering	Deputy Director, Engineering.
	Chief, Propulsion & Power Division.
	Chief, Structures and Mechanics Division.
	Chief, Medical Sciences Division.
	Chief, Automation and Robotics Division.
	Chief, Systems Engineering Division.
	Manager for Program Science.
	Associate Director, Engineering.
	Director, Engineering.
	Chief Engineer, New Initiatives.
	Manager, Orbiter Engineering Office.
	Deputy Director, Space and Life Sciences.
	Chief, Flight Data Systems Division.
	Chief, Tracking & Communications Division.
	Chief, Navigation, Contrl & Aeronautics Div.
Natl Space Transp Sys Prog Ofc	Dep Manager, Orbiter & GFE Projects Office.
	Chf, Man-systems Division.
	Manager, Orbiter and GFE Projects Office.
Space Station Project Office	Manager for Technical Projects.
	Manager for Development.
	Dep Mgr, Space Station Projects Office
	Dep Mgr for Prog & Operations Integration.
Safety, Reliability & Quality Assurance	Dir, Safety, Reliability, & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
STS Operations Program Office	Manager, Lunar & Mars Exploration Prog Office.
NASA White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir, Exec Management Ofc.
	Associate Deputy Director.
	Spec Asst to the Center Director.
Comptroller	Deputy Controller.
Biomedical Office	Chf., Biomedical Office.
Procurement	Director, Procurement.
Public Affairs	Dir Public Affairs.
Space Station and Advanced Projects Office	Manager Space Station Projects Office.
Safety, Reliability and Quality Assurance	Director, Safety and Reliability.
	Dir Mission Assurance.
	Director, Quality Assurance.
Shuttle Management Operations	Dir, Shuttle Logistics Project Management.
	Dir of Space Trans System Mgmt & Operations.
Center Support Operations	Director of Center Support Operations.
Engineering Development	Deputy Director of Engineering Development.
	Dir, Mechanical Engineering.
Project Management	Director, Facilities Engineering.
Electronic Engineering	Director, Electronic Engineering.
Cargo Management and Operations	Director, Expendable Vehicles.
STS Cargo Operations	Director, STS Payload Operations.
Shuttle Projects Office	Director, Shuttle Operations.
	Director, Ground Engineering.
Langley Research Center	Chief Scientist.
	Chief Engineer.
Electronics Directorate	Chf., Analysis & Computation Division.
	Chief, Projects Division.
	Chief Flight Electronics Division.
Structures Directorate	Chief Instrument Research Division.
	Chf, Acoustics Division.
	Chief Materials Division.
	Chief, Structural Dynamics Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Aeronautics Directorate	Dir of Interagency Programs.
	Chief Applied Aerodynamics Division.
	Chief, Flight Applications Division.
	Dir, National Aero-space Plane Office.
	Chief, Fluid Mechanics Division.
Space Directorate	Chief, Space Systems Division.
	Chief Atmospheric Sciences Division.
	Manager, Space Station Freedom Office.
	Manager, Human Exploration Initiative Office.
	Chief, Advanced Vehicles Division.
Systems Engineering and Operations Directorate	Dep Dir for Syst Engineering & Operations.
	Chief, Systems Engineering Div.
	Chf, Syst Sfty, Quality & Reliability Div.
	Chief, Engineer S E & O.
	Chief, Facilities Engineer Division.
Management Operations	Deputy Director for Management Operations.
Flight Systems Directorate	Chief, Information Systems Division.
	Chf, Guidance and Control Division.
	Chief, Flight Management Division.
Lewis Research Center	Director, External Programs.
	Chf, Ofc of Sfty, Reliability & Quality Assur.
	Director of Lewis Research Academy.
Administration & Computer Services	Chief, Computer Services Division.
	Dir, Adm & Computer Services Directorate.
Aeronautics Directorate	Chf, Propulsion Systems Div.
	Chief, Instrumentation & Control Technol Div.
	Chf, Internal Fluid Mechanics Division.
	Chief Technologist.
	Chf, Aeropropulsion Analysis Office.
	Chf, Aeropropulsion Facilities & Exper Div.
Space Station Systems Directorate	Dep Dir of Space Station Systems.
	Chief, Electrical Systems Division.
	Chief Engineer.
	Chief, Power Technology Division.
	Deputy for Integration.
Aerospace Technology Directorate	Chief, Space Propulsion Technology Division.
	Chief, Materials Division.
	Chief, Structures Division.
	Chief, Interdisciplinary Technology Office.
Space Flight Systems Directorate	Chf, Advanced Space Analysis Office.
	Manager, Launch Vehicle Project Office.
	Manager, Acts Project Office.
	Chief, Space Experiments Division.
	Chief, Space Communications Division.
Engineering	Chief, Structural Systems Division.
	Chf, Electronics & Control Systems Division.
	Director of Engineering.
	Deputy Director of Engineering.
	Chief, Propulsion & Fluid Systems Division.
Marshall Space Flight Center	Comptroller.
	Dir, Human Res & Administrative Support Ofc.
	Associate Director.
Office of Sfty, Rel & Quality Assurance	Director, Quality Assurance Office.
	Dir, Systems Safety & Reliability Office.
	Director, Safety & Mission Assurance Office.
Heavy Lift Launch Vehicle Definition Office	Manager, Acquisition & Business Management.
	Manager, Space Transportation Main Engine Sys.
Science and Engineering	Chief Engineer, Observatory Projects.
	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Deputy Director, Space Science Laboratory.
	Dep Dir, Structures & Dynamics Laboratory.
	Deputy Dir, Materials & Processes Laboratory.
	Dep Dir, Mission Operations Laboratory.
	Dep Dir, Syst Anal & Integration Laboratory.
	Manager Space Shuttle Main Engine Projects.
	Director Information & Electronic Sys Lab.
	Deputy Director for Space Systems.
	Dir Structures Dynamics Laboratory.
	Chief Engineer, Space Station Projects.
	Dir, Materials & Processes Laboratory.
	Dep Dir for Space Transportation Systems.
	Chief Engineer Heavy Lift Launch Vehicle.
	Dir, Research & Technology Office.
	Director, Mission Operations Laboratory.
Payload Projects Office	Mgr, Science & Applications Payload Projects.
	Dep Manager Payload Projects Office
Space Station Projects Office	Manager, Space Station Projects Office.
	Deputy Manager for Advanced Launch System
	Deputy Manager Space Station Projects Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Program Development	Deputy Director, Program Development.
	Director, Preliminary Design Office.
	Assoc Dir for Advanced Planning.
Shuttle Projects Office	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Mgr Redesign Solid Rocket Motor Project.
	Manager, Advanced Solid Rocket Motor Project
Spacecraft Office	Manager, Observatory Projects Office.
	Dep Mgr, Observatory Projects Office.
	Manager, Spacecraft Office.
Administration and Program Support	Dir Info Systems Office.
	Dir, Institutional & Program Support.
	Director, Procurement Office.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
Stennis Space Center	Dir Sci & Tech Lab.
	Director, Center Operations.
	Deputy Director, NASA Stennis Space Center.
	Assoc. Director for Institution.
	Dir, Propulsion Test Operations.
National Archives & Records Administration:	
National Archives & Records Administration	Deputy Archivist of the United States.
	Asst Archivist for the National Archives.
	Asst Archivist for Presidential Libraries.
	Asst Archivist for Federal Records Centers.
	Director of the Federal Register.
	Asst Archivist for Records Administration.
	Asst Archivist for Mgt and Administration.
	Director, Lyndon B. Johnson Library.
	Director, Harry S. Truman Library.
	Asst Archivist for Spec & Regl Archives.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Assoc Exec Dir D.C. Affairs.
	Assistant Executive Director for Operations.
	Dir of Intergovernmental & Public Affairs.
National Endowment for the Arts:	
National Endowment for the Arts	Director of Program Coordination.
	Director of Administration.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
	Asst Chairman for Operations.
National Labor Relations Board:	
Ofc of the Board Members	Executive Secy.
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management	Assoc General Counsel, Div of Operation—Mgmt.
	Dep Asso Gen Counsel, Div of Operations—Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant to the General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl Dir, Region 7, Detroit Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10 Atlanta.
	Regl. Dir., Reg. 11, Winston Salem
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago.
	Regl Dir Reg 14, St Louis.
	Regl Dir Reg 15, New Orleans.
	Regl Dir Reg 16, Ft Worth.
	Regl Dir Reg 17, Kansas City.
	Regl Dir Reg 18, Minneapolis.
	Regl Dir Reg 19, Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Regional Director Reg. 22, Newark.
	Regional Director Reg 24, Hato Rey Puerto Rico
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26, Memphis.
	Regl Dir Reg 27, Denver.
	Regl. Dir. Reg. 28, Phoenix.
	Regl Dir Reg 29, Brooklyn.
	Regl Dir Reg 30, Milwaukee.
	Regl. Dir., Reg. 32, Oakland.
	Regional Director, Reg 33, Peoria, Ill.
	Regl Dir Reg 31, Los Angeles.
	Regional Director Reg 34, Hartford.
National Science Foundation:	
Office of the Director	Executive Asst to the Director.
	Executive Asst & Special Counsel.
Office of the General Counsel	Deputy General Counsel.
Office of Planning and Assessment	Director, Program Evaluation Staff.
	Section Head, Science & Innovation Pol. Sec.
	Senior Staff Associate Program Evaluation.
	Senior Staff Association Policy Analysis
Office of the Inspector General	Inspector General.
	Counsel to the Inspector General.
	Assistant Inspector General for Oversight.
Directorate for Geosciences	Executive Officer.
Division of a Atmospheric Sciences	Head, NCAR Coordination Staff.
	Section Head, Upper Atmosphere Section.
	Head Lower Atmosphere Section.
Divisior of Earth Sciences	Section Head, Research Grants Section.
	Head Major Project Section.
Division of Ocean Sciences	Section Head Ocean Sciences Research Section.
Division of Polar Programs	Manager Polar OPS Section.
	Head, Polar Coordination & Info Section.
	Dep Dir Division of Polar Programs.
Directorate for Engineering	Senior Engineering Advisor.
Division of Engineering Education & Centers	Deputy Division Director (Education).
	Senior Staff Associate.
Div of Design and Manufacturing Systems	Deputy Division Director.
Division of Biological and Critical Systems	Head Hazard Mitigation Section.
Div of Electrical and Communications Systems	Deputy Division Director.
Div of Mechanical and Structural Systems	Deputy Division Director.
Organization Abolished	Office Head.
	Senior Staff Associate.
Division of Industrial Innovation Interface	Dep Dir, Div of Eng Infrastructure Dev.
Directorate for Biological Sciences.	Dep Dir Div of Industrial Innovation Interf.
	Executive Officer.
Division of Environmental Biology	Deputy Asst Director.
Directorate for Mathematical and Physical Sciences	Deputy Division Director.
	Executive Officer.
	Senior Staff Associate for Planning.
Division of Physics	Deputy Division Director.
Division of Astronomical Sciences.	Dep Dir, Division of Astronomical Sciences.
Division of Mathematical Sciences.	Deputy Division Director.
Division of Materials Research	Deputy Director.
	Head, Special Programs in Materials Office.
	Senior Staff Scientist.
	Senior Staff Scientist.
Division of Chemistry	Head Special Projects Office.
	Dep Dir Division of Chemistry.
	Senior Staff Associate.
Directorate for Education & Human Resources	Deputy Asst Director.
	Senior Staff Associate.
	Senior Staff Associate.
	Senior Staff Associate.
Division of Human Resource Development	Deputy Director.
Office of Systemic Reform	Deputy Office Head.
Directorate for Social, Behavioral and Economic Sciences	Exe Officer Social Behavioral Econ Sciences.
	Senior Staff Associate.
Division of Science Resources Studies	Senior Staff for Human Res Studies & Assess.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Head Europe Section.
	Head, East Asia/Pacific Section.
	Head, Latin America/Africa/Asia Section.
	Head, East Asia/Pacific Section.
	Senior Staff Associate.
	Senior Staff Associate.
Division of Social & Economic Sciences	Deputy Division Director.
Division of Behavioral & Cognitive Sciences	Dep Dir, Div of Behavioral & Cognitive Sci.
Directorate for Computer & Info Science & Engineering	Executive Officer
Div of Advanced Scientific Computing	Deputy Director
Div of Computer and Computation Research	Deputy Division Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Div of Information, Robotics & Intelligent Systems	Deputy Division Director.
Division of Microelectronic Information Processing Sys	Deputy Division Director.
Div of Networking & Comm Res & Infrastructure	Deputy Division Director.
Office of Budget, Finance and Award Management	Director, Ofc of Budget, F & A Management.
	Dep Dir, Ofc of Budget, F & A Management.
	Director, Budget Division.
Division of Grants and Contracts	Director Division of Grants and Contracts
	Director, Operations and Analysis.
Division of Financial Management	Division Director.
Office of Information and Resource Management	Dep Dir, Ofc of Information & Resource Mgmt.
	Senior Staff Associate.
	Dir Planning & Evaluation.
Division of Information Systems	Dir. Information Technologies Division.
	Dep Dir, Div of Information Systems.
Division of Human Resource Management	Div Dir, Div of Human Resource Management.
Division of Administrative Services	Dir. Division of Administrative Services.
National Transportation Safety Board:	
Office of the Managing Director	Dep Managing Dir for Mgmt & Policy.
	Dep Managing Dir for Program Operations
	Chief Technical Advisor.
Office of Administration	Dir Office of Administration.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Deputy Director Ofc of Aviation Safety.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
Office of Safety Recommendations	Director Ofc of Safety Recommendations
Office of Surface Transportation Safety	Dir Ofc of Surface Transportation Safety.
	Deputy Director.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chairman ASLBP.
	Deputy Chief Administrative Judge Executive.
Office of the Inspector General	Dep Dir Ofc of the Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Audits.
Deputy GC for Licensing & Regulation	Deputy Assistant GC/Legislative Counsel.
Dep GC for Hearings, Enforcement & Administration	Deputy Assistant GC for Administration.
Assistant GC for Hearing and Enforcement	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
Office of Commission Appellate Adjudication	Dir Ofc of Comm Appellate Adjudication.
Division of Operational Assessment	Chief Incident Response Branch.
	Chf, Diagnostic Eval & Incident Invest Branch.
Division of Safety Programs	Chf, Reactor Operations Analysis Branch.
	Chf, Trends & Patterns Analysis Branch.
Office of Administration	Dir Div of Contracts & Property Management.
	Director, Div of Security.
Office of Information Resources Management	Dep Dir / Lss Admr, Ofc of Info Res Mgmt.
Office of the Controller	Dep Chief Financial Officer/Controller.
	Dir, Division of Accounting and Finance.
	Special Assistant for Internal Controls.
Office of Investigations	Associate Director for Legal Affairs.
Ofc of Small and Disadv Bus Utilization/Civil Rights	Director
Program Management, Policy Development & Analysis Staff	Chief, Plng, Programs & Mgmt Support Branch.
	Chf, Pol Dev & Tech Support Branch.
	Chf, Inspection & Licensing Progs Branch.
Assistant Director for Region I Reactors	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–3.
	Project Director, Project Directorate I–4.
Assistant Director for Region II Reactors	Proj Dir, Project Directorate II 1.
	Proj Dir, Project Directorate II 2.
	Proj Dir, Project Directorate II 3.
	Proj Dir, Project Directorate II 4.
Division of Reactor Projects III, IV & V	Proj Dir, N–P Reactor, D & E Proj Directorate.
Assistant Director for Region III Reactors	Proj Dir, Project Directorate III 1.
	Proj Dir, Project Directorate III 2.
	Proj Dir, Project Directorate III 3.
Assistant Director for Region IV and V Reactors	Proj Dir, Project Directorate V.
	Proj Dir, Project Directorate IV–1.
	Proj Dir, Project Directorate IV–2.
Assoc Dir For Advanced Reactors & License Renewal	Project Dir, Standardization Proj Directorate.
	Proj Dir, License Renewal Proj Dir.
Division of Engineering Technology	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chf, Structural & Geosciences Branch.
Division of Systems Technology	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chf, Instrumentation & Control Syst Branch.
	Chf, Electrical Systems Branch.
	Chief, Containment Sys & Severe Accident Brch.
Division of Operational Events Assessment	Chief, Generic Communications Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Division of Reactor Inspection & Safeguards	Chf, Technical Specification Branch. Chief, Events Assessment Branch. Chf, Vendor Inspection Branch. Chf, Safeguards Branch. Chf, Special Inspections Branch.
Div of Radiation Protection & Emergency Preparedness	Chief, Emergency Preparedness Branch. Chf, Risk Application Branch. Chf, Radiation Protection Branch.
Division of Licensee Performance & Quality Evaluation	Chf, Human Factors Assessment Branch. Chf, Operator Licensing Branch. Chf, Performance & Quality Evaluation Branch
Division of Safeguards & Transportation	Chief, Domestic Safeguards Branch. Chf, International Safeguards Branch. Chief, Transportation Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch. Chief, Fuel Cycle Safety Branch. Chief, Medical, Acad & Com Use Sfty Branch.
Division of High Level Waste Management	Chief, Source Containment & Devices Br. Chief, Geology & Engineering Branch. Proj Dir, Repository L & Q Assurance.
Div of Low Level Waste Management & Decommissioning	Chief, Hydrology & Systems Performance Branch. Chief, Low-Level Waste Management Branch. Chief, Uranium Recovery Branch. Chf, Decommissioning & Regulatory Issues Br.
Ofc of Nuc Regulatory Research	Dir, Res Admin Fiscal Control & Budget.
Division of Engineering	Chief, Materials Engineering Branch. Chief, Waste Management Branch. Chief, Electrical and Mechanical Engineer Brh. Chief, Structural and Seismic Engineering Brh.
Division of Safety Issue Resolution	Chief, Severe Accident Issues Branch. Chief, Engineering Issues Branch.
Division of Regulatory Applications	Chief, Reactor and Plant Sfty Issues Branch. Chief, Regulation Development Branch. Chf, Radiation Protection & Health Effects Br.
Division of Systems Research	Chief, Adv Reactors and Generic Issues Branch. Chief, Accident Evaluation Branch. Chf, Probabilistic Risk Analysis Branch. Chief, Reactor and Plant Systems Branch. Chief, Human Factors Branch.
Region I	Deputy Regional Administrator. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards. Director Division of Reactor Safety. Dep Dir, Div of Reactor Safety.
Region II	Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects. Deputy Regional Administrator Region II. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards. Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety.
Region III	Dep Regional Administrator Region III. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety. Director, Division of Reactor Projects. Deputy Director Division of Reactor Projects. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards.
Region IV	Deputy Regional Administrator Region IV. Director Uranium Recovery Field Office. Director Div of Reactor Projects. Deputy Director, Div of Reactor Projects. Dir, Div of Radiation Safety & Safeguards. Dir, Division of Reactor Safety. Dep Dir, Div of Radiation Safety & Safeguards.
Region V	Deputy Regional Administrator Region V. Dir Div of Reactor Safety and Projects. Dep Dir Div of Reactor Safety and Projects. Dir, Div of Radiation Safety & Safeguards.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director. Deputy General Counsel. Assoc Dir for Program Develop & Compliance.
Office of Management and Budget:	
Office of the Director	Assistant Director for Administration. Deputy Associate Dir for Economic Policy. Assoc Dir for Legislative Ref & Adm. Critical Information Systems Manager. Dep Assistant Director for Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Office of General Counsel	Dep Gen Counsel.
	Associate General Counsel for Budget.
Legislative Reference Division	Asst Dir Legislative Reference.
	Dep/Asst/Dir for Legislative Reference.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources-Defense-International Branch.
Office of Federal Procurement Policy	Assoc Admr for Procurement Law & Legislation.
	Assoc. Administrator for Management Control.
Office of Information and Regulatory Affairs	Chief, Information Policy Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief, Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Chf, Info Technology Management Branch.
Associate Director for Management	Chief, Management Integrity Branch.
	Chief, Financial Systems and Policy Branch.
	Chief, Personnel & General Services Branch.
	Chief, Credit and Cash Management Branch.
	Assistant Director for General Management.
	Deputy Assistant for General Management.
	Branch Chief, Federal Personnel Policy Branch.
	Chief, Federal Services Branch.
	Branch Chief, MBO Evaluation & Planning Branch.
	Chief, Fin Standards O Reporting Branch.
	Chief, Federal Financial Systems Branch.
Budget Review Division	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chief, Fiscal Analysis Branch.
	Dep Chief, Fiscal Analysis Branch.
	Dep Asst Dir for Budget Review & Concepts.
	Chief, Resources Systems Branch.
	Chief, Central Budget Management Staff.
	Deputy Chief, Budget Preparation Branch.
Assoc Dir for National Security and International Affs	Deputy Associate Director for Special Studies.
International Affairs Division	Dep Assoc Dir for Internatl Affairs.
	Chief, State-USIA Branch.
	Chief, Economic Affairs Branch.
	Chief, International Security Affairs Branch.
National Security Division	Dep Assoc Dir for National Security.
	Dep Chief.
	Chief, Command, Ctrl, Comms, & Intellig Branch.
	Chief, Navy Branch.
	Chief, Force Structure & Investment Branch.
	Chief, Oper & Support Branch.
Health and Income Maintenance Division	Dep Assoc Dir for Health & Income Maintenance.
	Chf, Income Maintenance Branch.
	Chief, Health & Social Services Branch.
	Chief, Health & Financing Branch.
Labor, Veterans, and Education Division	Chief, Labor Branch.
	Chief, Education Branch.
	Chf Veterans Affairs Branch.
Associate Director for Economics and Government	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Justice Division	Dep Assoc Dir for Transp Commerce & Justice.
	Chief, Commerce & Justice Branch.
	Chief, Transport General Services Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury/post Branch.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Dep Assoc Dir for Spec Studies.
Natural Resources Division	Dep Associate Dir for Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief, Interior Branch.
	Asst Division Chief NRD.
Energy and Science Division	Dep. Assoc. Dir for Energy & Science.
	Chief, Nuclear Energy Branch.
	Chief, Science and Space Programs Branch.
	Chief, Non-Nuclear Energy Branch.
Office of Personnel Management:	
Office of the Director	Dir, Ofc of Combined Fed Campaign Operations.
Office of the Chief Financial Officer	Chief Financial Officer.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
Office of Executive and Management Policy	Asst Dir for Executive & Management Policy.
Office of Information Management	Executive for ADP Operations.
Office of Actuaries	Director, Office of Actuaries.
Office of Insurance Programs	Asst Dir for Insurance Program.
Office of Retirement Programs	Asst Dir for Retirement Programs.
Office of Personnel Research and Dev	Asst Dir for Personnel Research & Development.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Office of Administrative Law Judges	Asst Dir for Administrative Law Judges.
Staffing Service Center	Assistant Director for Staffing Automation.
Office of Agency Compliance & Evaluation	Asst Dir for Agency Compliance & Evaluation.
Office of Classification	Asst Dir for Classification.
Office of Federal Investigations	Asst Dir for Federal Investigations.
Office of Washington Examining Services	Asst Dir for Wash Examining Services.
Office of the Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Director for Management.
	Assoc Special Counsel Planning and Oversight.
	Associate Special Counsel for Plan & Advice.
Railroad Retirement Board:	
Board Staff	Dir of Unemployment & Sickness Insurance.
	Director of Data Processing.
	Director of Administrative Services.
	Dir of Retirement & Survivor Programs.
	Chief Actuary.
	Director of Field Service.
	Director of Administration & Operations.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Systems Initiatives.
	Director of Taxation.
	General Counsel.
Securities and Exchange Commission:	
Office of the Chief Accountant	Dep Chf Accountant.
Office of the Executive Director	Dep Exec Director.
	Assoc Exec Dir Human Resources Mgmt.
	Associate Executive Director (Finance).
Div of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Div of Enforcement	Chief Accountant.
Selective Service System:	
Selective Service System	Assoc Dir, Information Management.
Small Business Administration:	
Office of the Administrator	Chief Financial Officer.
Ofc of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
Office of Hearings & Appeals	Asst Administrator for Hearings and Appeals.
Office of Financial Assistance	Asst Administrator for Financial Assistance.
	Director of Portfolio Management.
Office of Procurement Assistance	Director of Prime Contracts.
Ofc of Minority Small Business & Capital Ownership Dev	Assoc Admr for MSB–COD.
	Dep Assoc Admr For Pol Coor, Prog C&E.
	Dep Assoc Admr for Programs (MSB & COD).
Office of Information Resources Management	Asst Admin for Information Resources.
Office of Personnel	Director of Personnel.
Office of the Comptroller	Comptroller.
	Deputy Chief Financial Officer & Comptroller.
Office of Program Analysis & Quality Assurance	Director of Program Analysis and Review.
	Dep Dir of Prog Analysis & Quality Assurance.
Office of EEO & Compliance	Dir, Ofc of Equal Employment Opport & Complian.
District Directors	District Dir, Phila.
	District Director, Region IX, San Francisco.
	District Dir, Reg IX, Los Angeles.
	District Director, Region V, Chicago.
	District Director, New York.
	District Director.
	District Director.
	District Director, Kansas City.
Department of State:	
Bureau of Administration	Supervisory Structural Engineer.
Bureau of Economic & Business Affairs	Dir, Office of East-West Trade.
Bureau of Intelligence and Research	Dir, Ofc of Intelligence Resources.
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector Gen for Investigations.
	Asst Insp Gen for Policy, Ping and Managemen.
	Dep Asst Inspector Gen for Inspections.
	Dep Asst Insp Gen for Ofc of Secur Oversight.
Bureau of Personnel	Director, Ofc of Civil Service Personnel Mgmt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
International Boundary & Water Commission	Supervisory Civil Engineer, Operations.
Department of Transportation:	
Office of the General Counsel	Asst Inspector General for Inspections & Eval.
	Deputy Inspector General.
Office of Inspector General	Asst Insp General for Auditing.
	Asst I/G for Policy, Planning and Resources.
	Asst Inspector General for Investigations.
	Dir, Ofc of Surface Transportation Programs.
	Dir, Ofc of Aviation Marine & Research Progs.
	Dep Asst Inspector General for Auditing.
	Dir, Office of ADP Audits & Technical Support.
	Dep Asst Inspector General for Investigations.
Asst Sec for Public Affairs	Dir, Office of Public Information.
Asst Sec for Administration	Asst Secy for Administration.
	Senior Procurement Advisor.
Office of Acquisition & Grant Management	Director, Ofc of Acquisition & Grant Mgmt.
	Dep Dir, Ofc of Acquisition & Grant Mgmt.
Assoc Adm'r for Safety	Assoc Admr for Safety.
	Director, Office of Safety Enforcement.
Associate Administration for Pipeline Safety	Assoc Admr for Pipeline Safety.
Ofc of Assoc Admr for Marketing	Associate Administrator for Marketing.
Office of Associate Administrator for Maritime Aids	Associate Administrator for Maritime Aids.
Organization Abolished	Dep Director, Office of Aviation Safety.
Organization Abolished	Mgr, Los Angeles Area Aircraft Cert Ofc.
	Mgr, Seattle Area Aircraft Cert Office.
Organization Abolished	Manager General Aviation Staff.
Organization Abolished	Mgr, Advanced Automation System Div.
Office of Airport Planning & Programming	Dir., Office of Airport Planning & Program.
	Mgr, Grants-in-Aid Division.
Assistant Administrator for Civil Aviation Security	Dep Asst Admr for Civil Aviation Security.
Office of Civil Aviation Security Policy & Planning	Dir, Ofc of Civil Avn Security Pol & Planning.
Office of Civil Aviation Security Operations	Dir, Ofc of Civil Aviation Security Operations.
	Dep Dir, Ofc of Civil Aviation Security Ops.
Office of Civil Aviation Security Intelligence	Dir, Ofc of Civil Aviation Security Intelligence.
Office Civil Aviation Security Program & Resource Mgmt	Dir, Ofc of Civil Aviation Security Prog Mgt.
Office of Accounting	Dir, Office of Accounting.
Associate Administrator for Air Traffic	Assoc. Administrator for Air Traffic.
	Dep Assoc Admin for Air Traffic.
Regional Air Traffic Divisions	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Div.
	Manager, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Manager, Air Traffic Division.
	Manager, Air Traffic Division.
Air Traffic Rules & Procedures Service	Manager, Procedures Division.
	Mgr, Airspace—Rules & Aeronautical Inf. Div.
	Dir, Air Traffic Rules & Procedures Service.
Office of Air Traffic Systems Management	Director, Air Traffic System Management.
Air Traffic Plans and Requirements Service	Dir, Air Traffic Plans & Requirements Serv.
	Manager System Plans & Program Div.
	Manager Automation Software Division.
	Manager Advanced Sys & Facilities Division.
Office of Air Traffic System-Effectiveness	Dir, Ofc of Air Traffic Syst Effectiveness.
Office of Air Traffic Program Management	Dir, Ofc of Air Traffic Program Management.
Associate Administrator for Aviation Standards	Assoc Administrator for Aviation Standards.
Office of Aviation Medicine	Fed Air Surgeon.
	Deputy Federal Air Surgeon.
	Mgr, Medical Specialties Division.
	Director, Civil Aeromed Institute.
Office of Accident Investigation	Dir, Office of Accident Investigation.
Office of Aviation Systems Standards	Dir, Aviation Standards Natl Field Ofc.
	Deputy Director.
Associate Administrator Airways Facilities	Director, Operational Support Service.
Associate Administrator for Regulation & Certification	Assoc Admr for Regulation & Certification.
	Dep Assoc Admr for Regulation & Certification.
Aircraft Certification Service	Dir, Aircraft Certification Service.
	Deputy Director, Aircraft Certification Servic.
	Asst Dir, Aircraft Certification Service.
	Manager, Aircraft Engineering Division.
	Manager, Aircraft Manufacturing Division.
Regional Aircraft Certification Divisions	Mgr, Transport Airplane Directorate.
	Mgr, Engine & Propeller Directorate.
	Mgr Small Airplane Directorate.
	Manager Rotorcraft Directorate.
Flight Standards Service	Dir, Flight Standards Service.
	Dep Dir, Flight Standards Service.
	Mgr, General Aviation and Commercial Div.
	Manager, Air Transportation Division.
	Manager, Aircraft Maintenance Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Manager, Field Programs Division.
	Manager, Technical Programs Division.
Regional Flight Standards Divisions	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
	Manager, Flight Standards Division.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
	Manager, Flight Standards Division.
Assoc Administrator for Contracting & Quality Assurance	Associate Administrator.
	Dep Assoc Admr for Acquisition Support.
Program Manager for Advanced Automation	Mgr, Contracts Division.
	Program Director for Advanced Automation.
	Dep Program Mgr for Advanced Automation.
	Dep Prog Mgr for Voice S & C System.
Program Director for Automation	Program Director for Automation.
Program Director for Communications	Program Director for Communications.
Program Director for Navigation & Landing Aids	Program Dir for Navigation & Landing Aids.
Program Director for Surveillance	Program Director for Surveillance.
Program Director for Weather & Flight Service Systems	Prog Dir for Weather & Flight Services Syst.
Office Acquisition Policy & Oversight	Dir, Ofc of Acquisition Pol & Oversight.
Associate Administrator for Aviation Safety	Assoc Admin for Aviation Safety.
	Dep Assoc Admin for Aviation Safety.
	Deputy Assoc Administrator Aviation Standards.
Federal Highway Administration	Executive Director.
Assoc Admr for Admin	Director Office of Fiscal Services.
	Director Office of Contracts and Procurement.
Associate Administrator for Safety & System App	Assoc Admr for Safety & System Applications.
Office of Highway Safety	Dir, Office of Highway Safety.
Organization Abolished	Chief, Program Requirements Division.
Office of Motor Carrier Standards	Dir, Office of Motor Carrier Standards.
Office of Motor Carrier Safety Field Operations	Dir, Ofc of Motor Carrier S/F Operations.
Office of Environment & Planning	Chief Environmental Operations Division.
Office of Right of Way	Dir Ofc of Right of Way.
	Chief, Operations Division.
Natl Center for Statistics and Analysis	Chf, Accident Investigation Div.
Assoc Admr for Enforcement	Assoc. Administrator for Enforcement.
Ofc of Defects Investigation	Dir, Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp	Dir, Ofc of Vehicle Safety Compliance.
Ofc of Vehicle Safety Standards	Chf, Crash Avoidance Division.
	Chf, Crashworthiness Division.
US Coast Guard	Chief, Procurement Management Division.
Department of Treasury:	
Office of the Secretary	Senior National Intelligence Advisor.
Deputy Assistant Secretary (Intl Monetary Policy)	Dir, Ofc of Foreign Exchange Operations.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Assistant, Fiscal Assistant Secretary.
Financial Management Service	Commr of Financial Management Service.
	Dep Com, Financial Management Service.
	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (Philadelphia).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Deputy Director, Operations Group.
	Comptroller.
	Director, Systems Services Directorate.
	Assistant Commissioner, Information Systems.
	Assistant Commissioner, Federal Finance.
	Director, Operations Group.
	Assistant Commissioner, Regional Operations.
	Asst Commr, Management (Chief Fin Offcr).
	Assistant Commissioner, Agency Services.
	Dir, Systems Development Directorate.
	Dir, Fin Information Management Directorate.
	Dir, Technology & Information Group.
	Director, Working Capital Directorate.
	Assistant Commissioner, Financial Information.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Government Securities Act Program Director.
	Government Securities Policy Advisor.
	Asst Commr/Securities & Accounting Services.
	Asst Commissioner (Automated Info Systems).
	Asst Commissioner (Public Debt Accounting).
Assistant Secretary (Economic Policy)	Asst Dir for Economic Forecasting.
	SR Economist.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Assistant Secretary (Domestic Finance)	Dir, Ofc of Finance and Market Analysis.
Ofc of the Inspector General	Dep Asst Insp Gen for Audit (Audit Prog Serv).
	Dep Asst Inspector Gen for Audit (Audit Ops).
	AIG for Policy, Planning & Resources.
	Asst Insp Gen for Oversight & Quality Assur.
	Asst Inspector General for Audit.
	Asst Inspector General for Investigations.
Assistant Secretary (Tax Policy)	Dir (Economic Mod & Computer Applications).
Assistant Secretary (Management)	Dep Dir of Personnel.
	Dir, Management Programs Directorate.
	Director, Office of Procurement.
Assistant Secretary (Enforcement)	Dir, Fin Crimes Enforcement Network.
	Dep Dir, Financial Crimes Enforcement Network.
	Director, Office of Asset Forfeiture Policy.
	Director, Office of Law Enforcement.
Bureau of Alcohol, Tobacco, and Firearms	Assistant Director, Internal Affairs.
	Assistant Chief Counsel (Chicago).
	Asst Dir, Congressional and Media Affairs.
	Director, Laboratory Services.
	Assistant Chief Counsel (New York).
	Staff Assistant to the Chief Counsel.
Office of Law Enforcement	Dep Dir/Assoc Dir (Law Enforcement).
	Chief, Spec Operations Division.
	Special Agent in Charge (NY District Office).
	Special Agent in Charge (LA District Office).
	Special Agent in Charge (Miami District Ofc).
	Chief, Planning & Analysis Staff.
	Spec Agent in Charge (Washington Dist Office).
	Spec Agent in Charge (Detroit Dist Office).
	Chief, Intelligence Division.
	Chief, Explosives Division.
	Deputy Assoc Dir (Law Enforcement).
	Chief, Firearms Division.
Office of Compliance Operations	Dep Dir/Assoc Dir (Compliance Operations).
	Dep. Associate Dir. (Compliance Operations).
	Chief, Revenue Programs Division.
	Chief, Firearms & Explosives Division.
	Regional Director (North Atlantic Region).
	Chief, Industry Compliance Division.
US Customs Service	Asst Commissioner for Internal Affairs.
	Deputy Asst Comr (International Affairs).
	Asst Commissioner (Ofc of Info Mgmt).
	Asst Commr (Inspection & Control).
	Comptroller.
	Deputy Asst Commr (Inspection & Control).
	Deputy Assistant Commissioner (Management).
	Dir Ofc of Training.
	Director, Ofc of Automated Systems Operations.
	Dir Budget and Planning.
	Exec Dir the International Committee.
	Assistant Commissioner, Office of Management.
	Senior Adv for Auto Comm Sys Select Projects.
	Dep Assoc Comr for Organi Effectiveness.
	Dir Ofc of Human Resources.
	Inter-Departmental Liaison Officer.
	Director, Ofc of Automated Commercial Systems.
Office of Enforcement	Deputy Assistant Commissioner (Enforcement).
	Dir Ofc of Patrol.
	Dir, Office of Commercial Fraud Enforcement.
	Dir, Office of Investigative Programs.
	Dir, Office of Enforcement Support.
	Dir, Ofc of Domestic Operations.
	Director Ofc of Foreign Operations.
Office of Commercial Operations	Dep Asst Comr, Ofc of A & M Interdiction.
	Director, Technical Services Div.
	Director, Classification and Value Division.
	Deputy Asst Comm Ofc of Regul & Rulings.
	Dir, International Trade Compliance Division.
	Dir Ofc of Regulatory Audit.
	Dir, Office of Technical Services.
	Dep Asst Comm (Ofc of Trade Operations).
	Dep Asst Commissioner Commercial Operations.
	Director, Commercial Compliance Division.
	Dep Dir, Ofc of Regulatory Audit.
	Dir, Commercial Rulings Division.
Regional Commissioners	Regl Commr, Reg 2, N Y.
	Reg Commr, Reg 1, Boston.
	Asst Regl Commr, Operations Reg II, New York.
	Regl Commr, Reg 4, Miami.
	Reg Commr, Reg V, New Orleans.
	Reg Commr of Customs Reg VI.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Regional Commissioner, Chicago.
	Asst Regional Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regional Commr (Operations).
	Special Agent in Charge, Miami.
	District Director, Miami.
	Asst Regional Commissioner (Enforcement).
	District Director, Laredo.
	Special Agent in Charge—New York.
	Special Agent in Charge.
	Area Dir, Newark.
	Asst Regional Commissioner L.A. (Enforcement).
	Asst Regional Commissioner, Enforcement.
	Deputy Regional Commissioner, Pacific Region.
	Area Director, JFK Airport.
	Area Director, New York Seaport.
	Special Agent in Charge (New Orleans).
	Asst Regl Commr—Houston (Enforcement).
	Special Agent in Charge.
	Regional Commissioner.
	District Director, Los Angeles.
	Special Agent-in-Charge (Houston).
	Special Agent-in-Charge (Houston).
	Assistant Regl Commissioner (Enforcement).
	Special Agent-in-Charge.
	Asst Regl Commr (Enforcement).
	Asst Regional Commissioner (Enforcement).
	Regional Dir of Internal Affairs.
	Special Agent in Charge (Newark).
	Special Agent-in-Charge (Chicago).
Chief Counsel	Asst Chief Counsel (Customs Court Litigat).
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Regional Counsel (Southwest Region).
	Regional Counsel (Pacific Region).
US Secret Service	Director of the Secret Service.
	Deputy Director, U.S. Secret Service.
	Assistant Director, Administration.
	Assistant Director, Inspection.
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
	Dep Asst Dir (Spec Agent Trng), Ofc of Trng.
	DAD—Administration.
	DAD (Uniformed Forces, F & E Dev), Ofc Trng.
Office of Protective Operations	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	DAD Protective Opers (Uniformed Div).
	Spec Agent in Charge—VP Protect Div.
	Basic Presidential Protective Division.
	Spec Agent in Charge Dignitary Protective Div.
	Deputy Special Agent in Charge Pres Prot Div.
	Deputy Special Agent in Charge—VP Prot Div.
Office of Protective Research	Asst Dir (Protective Research)
	Dep. Asst. Dir. (Protective Research).
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Dep Spec Agent in Charge, Intelligence Div.
	Chf, Info Resources Management Division.
Office of Investigations	Asst Director, Investigations.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Deputy Assistant Director Ses & Field Ops.
	Deputy Special Agent in Charge, New York.
	Spec Agent in Charge, San Francisco Office.
	Special Agent in Charge, Detroit.
	Special Agent in Charge, Dallas Field Office.
	Dep Spec Agent in Charge, Washington Fld Ofc.
	Dep Asst Dir—Investigations (Hdqrtrs Ops).
	Deputy Director, Office of Investigations.
	Spec Agent in Charge—Miami Field Office.
	Special Agent in Charge—Boston Field Office.
	Spec Agent in Charge—Atlanta Field Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
US Mint	Associate Director of Operations.
	Dep Assoc Dir for Finance & Dep Chief Fin Ofc
	Assoc Dir of Pol & Management.
	Associate Director for Marketing.
Internal Revenue Service	Director, Appeals Division.
	Regl Dir of Appeals—Central Region.
	Regl Dir of Appeals—Mid-Atlantic Region.
	Regl Dir of Appeals—Southwest Reg.
	Regl Dir of Appeals—Southeast Reg.
	Regional Dir of Appeals—North Atlantic Region.
	Regional Dir of Appeals—Western Region.
	Asst to the Commissioner (Equal Opportunity).
	Chief Appeals Office New York City.
	Deputy Commissioner.
	Taxpayer Ombudsman.
	Asst to the Commissioner (Legis Affairs).
	National Director of Appeals.
	Chief Operations Officer.
	Deputy National Dir of Appeals.
	Asst to the Commissioner (Quality).
	Chief Information Officer.
	Assistant to the Senior Deputy Commissioner.
Chief Financial Officer	Chief Financial Officer.
	Dir, Tax Forms & Publications Div.
	Dir Martinsburg Computing Center.
	Dir, IRS Data Center Detroit.
	Dir Financial Management Division.
	Director, Budget Division.
	Deputy Assistant Commissioner (Procurement).
	Accounts Receivable Executive Officer.
	Dir Training & Development Division.
	Dir Systems Management & Oper Services Div.
	Dir, Facilities & Info Mgmt Support Division.
	Director, Research Division.
	Director, Planning and Analysis Division.
	Director, Support & Services Division.
	Spec Asst to Dep Comr (P & R)/Chf Fin Officer.
	Project Dir, Diagnostic Serv Center Proj Ofc.
	A/C (Planning & Research).
	Director, Planning Division.
	Dir, Support & Services Division.
	Dep Asst Commissioner (Planning & Research).
	Director, Human Resources Division.
	Asst Commissioner (Finance)/Controller.
	Dep Asst Commissioner (Human Res & Support).
	Dir Accounting Standards & Systems Division.
	Assistant Commissioner (Human Res & Support).
	Asst Comr (Procurement).
Chief Operations Officer	Asst Comr (Employee P & E Organizations).
	Special Asst for Exempt Organization Matters.
	Assistant Commissioner (Taxpayer Services).
	Asst Dir Returns Processing & Accounting Div.
	Program Manager (Tax Systems Modernization).
	Assistant Commissioner (Examination).
	Asst Commr (Criminal Investigation).
	Dir Exempt Organizations Technical Division.
	Dir Employee Plans & Exempt Org Oper Div.
	D/Employee Plans Tech & Actuarial Division.
	Deputy Assistant Commissioner (Examination).
	Dep Asst Commr (Criminal Investigation).
	Director, Ofc of Field Operations.
	Asst/Dir Employee Plans Techn & Acturial Div.
	Director, Coordinated Examination Program.
	Dep Asst Chf Info Officer Info System Dev.
	D/A Comr (Employee Plans & Exempt Orgs).
	Compliance 2000 Executive.
	Dep Asst Commr (Collection).
	Assistant Commissioner (Collection).
	Assistant Commissioner (International).
	Dir, Information Reporting Program.
	Dep Asst Comr (Taxpayer Services).
	Deputy Asst Commissioner (International).
	Director, Fed State Relations Division.
North Atlantic Region	Reg Commr.
	Asst Reg Commr (Exam) North Atlantic Reg.
	ARC (Criminal Investigation).
	ARC (Resources Mgmt).
	ARC (Collection) North Atlantic Region.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir, Boston.
	Chief Examination Div Manhattan.
	District Dir, Albany.
	Dist Dir (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Dir, Boston.
	District Director, Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
	Asst Service Center Director, Brookhaven.
	Asst Service Center Director, Andover.
	Chief, Appeals Office, Long Island.
	Asst Service Center Director.
	Asst Service Center Director.
Mid-Atlantic Region	Reg Commissioner.
	ARC (Examination) Mid-Atlantic.
	ARC (Criminal Investigation) Mid Atlantic Reg.
	Asst Reg Commr (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Dir, Philadelphia.
	District Dir, Newark.
	District Dir, Pittsburgh.
	District Director Richmond District.
	Asst District Dir, Philadelphia.
	Asst District Director (Newark).
	Assistant District Director—Baltimore, MD.
	District Director, Wilmington.
	District Dir, Baltimore.
	District Director.
	Assist Reg'l Commissioner (Resources Mgmt).
	Asst Service Center Director.
Southeast Region	Reg Commr.
	ARC (Examination) Southeast Region.
	Asst Reg Commissioner—Criminal Investigation.
	Asst Reg'l Commr (Resources Management).
	Asst Reg (Collection) SE Reg Atlanta.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	District Director Greensboro.
	District Dir, Nashville.
	District Director Birmingham.
	District Dir, New Orleans.
	District Director, Columbia.
	District Director Little Rock District.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
	Asst Service Center Director, Memphis.
	Regional Director of Appeals.
	Asst Service Center Director.
	Assistant District Director.
	District Director.
	Assistant Service Center Director.
Central Region	Regional Commr, Central.
	ARC (Examination) Central Region.
	Asst Regl Comr (Criminal Investigation).
	Asst Reg Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
	Asst Regl Commissioner (Data Processing).
	Dir Service Ctr Cincinnati.
	District Dir (Cleveland).
	District Director Detroit.
	District Director (Parkersburg).
	District Director, Indianapolis.
	District Director, Louisville.
	District Dir, Cincinnati.
	Assistant District Director Detroit.
	Asst Service Center Director.
Midwest Region	Regional Commr, Midwest Region.
	Asst Reg Commr (Resources Mgmt).
	ARC (Criminal Investigation) Midwest Region.
	Assistant Regional Commissioner (Data Proc).
	ARC (Examination), Midwest Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	ARC (Collection) Midwest Region.
	Srvc Ctr Dir, Kansas City.
	District Dir, Chicago.
	District Director St Louis.
	District Dir, St Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	Asst District Dir, St Louis.
	District Director, Fargo.
	District Director, Aberdeen.
	District Director, Helena.
	District Director.
	Assistant Service Center Director.
Southwest Region	Regional Comm: R.
	Asst Regl Commr (Examination).
	ARC (Criminal Investigation) S W Region.
	ARC (Resources Mgmt).
	Assistant Regional Commissioner (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Dir, Ogden.
	Service Center Director, Austin.
	District Dir, Austin.
	District Director, Dallas.
	District Director, Wichita.
	District Director, Oklahoma City.
	District Dir, Phoenix.
	District Dir, Denver.
	Assistant District Director, Dallas.
	District Director, Albuquerque.
	District Director, Cheyenne.
	District Director, Salt Lake City.
	Compliance Center Director.
	Asst Service Center Director, Ogden.
	Assistant Service Center Director.
	Asistant District Director, Houston.
	District Director, Houston.
	Assistant Service Center Director.
Western Region	Reg Commr.
	ARC (Criminal Investigation).
	Assistant Regional Commissioner (Data Proc).
	Asst Regional Commissioner (Examination).
	Asst Regl Commr (Collection).
	Asst Regl Commr/(Resources Management).
	Service Center Director, Fresno.
	District Dir, Los Angeles.
	District Dir, San Francisco.
	District Director, Portland District.
	District Dir, Seattle.
	Asst District Dir, Los Angeles.
	Asst District Dir, San Francisco.
	District Director, Honolulu.
	District Director, Anchorage.
	District Director Boise.
	District Director (Sacramento).
	District Director (Las Vegas).
	District Director, San Jose.
	Assistant District Director, Laguna Niguel.
	Asst Service Center Director.
	District Director, Laguna Niguel.
	Assistant District Director.
Chief Information Officer	Dir, Returns Processing and Accounting Div.
	Director, Systems Design Division.
	Director, Systems Acquisition Division.
	Dir, Input Systems Division.
	Dep Asst Commissioner (Info Systems Mgmt).
	Dir, Project Mgnt Division.
	Director, Statistics of Income Division.
	Director, Input Processing Division.
	Asst Commissioner (Information Systems Dev).
	Operations Dep Asst Comr (Returns Processing).
	Dir, Case Systems Division.
	Director, Systems Integration Division.
	Assistant Dir, Taxpayer Service Division.
	Director, Case Processing Division.
	Asst Dir, Detroit Computing Ctr.
	Business Integration DAC (Returns Processing).
	Asst Commissioner (Returns Processing).
	Dir, Taxpayer Service Division.
	Dir, Telecommunications Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
Chief Inspector	Director, Quality Assurance Division. Director, Corporate Systems Division. Asst Commissioner (Information Systems Mgmt). Chief Inspector. Dep Asst Commr (Inspection). Assistant Chief Inspector (Int Audit). Assistant Director, Internal Audit Division. Director, Internal Security Division. Asst Dir, Internal Security Division. Regional Inspector, Midwest Reg. Regional Inspector, North Atlantic. Regional Inspector, Western Region. Regional Inspector, Southwest Reg. Regional Inspector, Mid-Atlantic Reg. Regional Inspector, Central. Regional Inspector, Southeast.
Chief Counsel	Director, Individual Income Tax Div. Director, Corporation Tax Division. Chf, Corporation Tax Branch. Chf, Individual Income Tax Branch. Chief, Engineering & Valuation Branch Corp Ta. Asst Chief Counsel (General Litigation). Dir, Interpretative Div. Dir, Legislation & Regulations Div. Asst Chief Counsel (Criminal Tax). Asst Chief Counsel (General Legal Services). Asst Chief Counsel (Disclosure Litigation). Asst Dir, Interpretative Div. Asst Dir, Legislation & Regulations Div. Assistant Chief Counsel (International). Assistant Chief Counsel (Corporate). Director, Corporation Tax Division. Dep Asst Chf Coun (Income Tax & Accounting). Dep Asst Chf Coun (Passthroughs/Spec Indust). Chf Estate & Gift, Wage Excise & Prov Br. Dep Dir, Corporation Tax Division. Asst to the Assoc Chf Coun (Fin & Mgmt). Asst Chief Counsel (Field Service). Asst Chf Coun (Passthroughs/Spec Industries). Deputy Asst Chief Counsel (Corporate). Dep Assoc Chief Counsel (Fin & Management). Special Appellate Counsel. Dep Asst Chief Counsel (Field Service). Dep Asst Chief Coun (Financial Inst & Prod). Dep Assoc Chf Coun (Enforcement Litigation). Dep Assoc Chief Counsel, International. Asst Chf Coun (Fin Institutions & Products). Dep Asst Chief Coun (Income Tax & Accounting). Dep Assoc Chief Counsel (EBEO). Dep Asst Chf Coun (Income Tax & Accounting). Asst Chief Counsel (Income Tax & Accounting). Assoc Chief Counsel (Enforcement Litigation). Assoc Chief Counsel Emp Benefits Exempt Org. Special Counsel (Large Case). Special Litigation Counsel. Deputy Chief Counsel. Dep Assoc Chief Counsel (Domestic) (Technical). Associate Chief Counsel (International). Assoc Chf Counsel (Finance & Management). Dep Assoc Chief Coun (Domestic) (Field Serv). Assoc Chief Counsel (Domestic).
Regional Counsels	Regl Counsel, Central Reg. Regional Counsel, Mid-Atlantic Region. Dep Regl Counsel (Criminal Tax). Regl Counsel Midwest Region. Regl Counsel, North Atlantic Region. Dep Regl Coun (Tax Litigat) No-Atlantic Reg. Deputy Regional Counsel (General Litigation). Regional Counsel, SE Region. Regl Counsel, Southwest Region. Regional Counsel. District Counsel—Boston. District Counsel—Los Angeles. District Counsel—Cincinnati. District Counsel—Philadelphia. District Counsel—Newark. District Counsel, Chicago. District Counsel, Manhattan. District Counsel—Dallas. District Counsel—San Francisco. Dep Regional Counsel (Tax Litigation).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dep Regional Counsel (Tax Litigation).
	District Counsel.
	District Counsel.
	Deputy Regional Counsel (Tax Litigation).
	Regional Director of Appeals.
	District Counsel, Washington, DC.
	Deputy Regional Counsel (Tax Litigation).
	District Counsel, Miami.
	District Counsel, Brooklyn, New York.
	District Counsel, Washington, DC.
	District Counsel, Houston, Texas.
	District Counsel, Denver.
U.S. Arms Control and Disarmament Agency:	
Verification and Implementation Bureau	Chief, Verification Division.
Ofc of Administration	Administrative Director.
Strategic and Nuclear Affairs Bureau	Chief, Defense & Space Division.
Theater Affairs Division	Chief, Theater Affairs Division—A966.
Strategic Affairs Division	Chief, Strategic Affairs Division A–977.
Non-Proliferation Policy Bureau	Chief Scientist.
	Chf, Def Programs & Analysis Division.
	Chf, International Nuclear Affairs Divisions.
Multilateral Affairs Bureau	Chief, Sci & Technological Division.
United States Information Agency:	
Ofc of the Director	Assistant Inspector General for Audits.
	Assistant Inspector General for Inspections.
Bureau of Management	Director, Office of Personnel.
	Director, Office of the Comptroller.
	Dir of Security.
	Dir, Ofc of Contracts.
	Director, Office of Technology.
Bureau of Broadcasting	Dir, Engineering and Technical Operations.
	Deputy of Systems Engineering.
	Deputy for Projects Management.
	Deputy for Operations.
Ofc of the Gen Counsel	Deputy General Counsel.
U.S. International Trade Commission:	
Office of Industries	Dir, Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Insp Gen for Policy, Plan & Resources.
	Dep Asst Inspector General for Investigations.
	Counselor to the Inspector General.
	Asst Inspector General for Healthcare Inspect.
	Director for National Audits.
	Dep Asst Inspector General for Auditing.
Board of Veterans Appeals	Vice Chairman.
	Deputy Vice Chairman.
Office of Financial Management	Dir, VA Automation Ctr, Austin, TX.
	Dep Asst Secy for Financial Management.
	Assoc Dep Asst Secy for Financial Operations.
	Assoc Dep Asst Secy for ADP Systems.
Office of Information Resources Management	Assoc Dep Asst Secretary for Telecommunications.
	Assoc Das for Info Res Plans & Technology.
Office of Personnel and Labor Relations	Assoc Deputy Asst Secretary.
	Associate Deputy Asst Secretary.
Ofc of the Asst Secretary for Acquisition and Facilities	Dir, Canteen Service.
Office of Facilities Oversight	Dir, Contract Admin Staff.
Office of Acquisition and Materiel Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions.
	Associate Dep Asst Secy for Depots.
	Assoc Dep Asst Secy for Resources.
	Associate Deputy Asst Secretary for Materiel.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Veterans Benefits Administration	Director, Budget & Finance Staff.
	Dep Dir, Compensation & Pension Service.
	Dep Dir, Info Loan Guaranty Svc.
	Dir, Info Management & Tech Assessment Service.
Veterans Health Administration	Northeastern Area Project Manager.
	Southern Area Project Manager.
	Central Area Project Manager.
	Western Area Project Manager.
	Dep Dir, Mental H & B Sciences Service.
	Director, Budget Office.
	Deputy Director, Budget Office.
	Dir, Office of Project Management.
	Director, Ofc of Architecture & Engineering.
	Dir, Office of Real Property Management.
	Dir, Office of Medical Sharing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1992—Continued

Agency, organization	Career reserved positions
	Dir, Medical Care Cost Recovery Office. Dir, Emergency Medical Preparedness Office.

[FR Doc. 93–4618 Filed 3–3–93; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF STATE

[Public Notice 1771]

Statutory Debarment Under the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of which persons have been statutorily debarred pursuant to § 127.6(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130).

EFFECTIVE DATE: December 28, 1992.

FOR FURTHER INFORMATION CONTACT: Clyde G. Bryant Jr., Chief, Compliance Analysis Division, Office of Defense Trade Controls, Department of State (703–875–6650).

SUPPLEMENTARY INFORMATION: Section 38(g)(4)(A) of the Arms Export Control Act (AECA), 22 U.S.C. 2778, prohibits the issuance of export licenses to a person, or any party to the export, who has been convicted of violating certain U.S. criminal statutes, including the AECA. The term "person," as defined in § 120.16 of the ITAR, means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities. The ITAR, specifically § 126.7(e), defines the term "party to the export" to include the president, the chief executive officer, and other senior officers and officials of the license applicant; the freight forwarders or designated exporting agent of the license applicant; and any consignee or end-user of any item to be exported. The statute permits certain limited exceptions to this prohibition to be made on a case-by-case basis. 22 U.S.C. 2778(g)(4).

The ITAR, § 127.6, authorizes the Assistant Secretary of State for Political-Military Affairs to prohibit certain persons convicted of violating, or conspiring to violate, the AECA from participating directly or indirectly in the export of defense articles or in the furnishing of defense services. Such a prohibition is referred to as a "statutory debarment," which may be imposed on the basis of judicial proceedings that resulted in a conviction for violating, or of conspiring to violate, the AECA. See 22 CFR 127.6(c). The period for debarment will normally be three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by the AECA, section 38(g)(4).

Statutory debarment is based solely upon a conviction in a criminal proceeding, conducted by United States court. Thus, the administrative debarment procedures, outlined in the ITAR, 22 CFR part 128, are not applicable in such cases.

The Department of State will not consider applications for licenses or requests for approvals that involve any person or any party to the export who has been convicted of violating, or of conspiring to violate, the AECA during the period of statutory debarment. Persons who have been statutorily debarred may appeal to the Under Secretary for International Security Affairs for reconsideration of the ineligibility determination. A request for reconsideration must be submitted in writing within 30 days after a person has been informed of the adverse decision. 22 CFR 127.6(d).

The Department of State policy permits debarred persons to apply for an exception to the Director of the Office of Defense Trade Controls one year after the date of the debarment, in accordance with the AECA, section 38(g)(4)(A), and the ITAR, § 127.6. Any decision to grant an exception can be made only after the statutory requirements under section 38(g)(4) of the AECA have been satisfied. If the exception is granted, the debarment will be suspended.

Pursuant to the AECA, section 38(g)(4)(A), and the ITAR, 22 CFR 127.6, the Assistant Secretary for Political-Military Affairs has statutorily debarred nine persons who have been convicted of violating, or of conspiring to violate, the AECA.

These persons have been debarred for a three-year period following the date of their conviction, and have been so notified by a letter from the Office of Defense Trade Controls. Pursuant to ITAR, § 127.6(c), the names of these persons, their offense, date of conviction(s) and court of conviction(s) are hereby being published in the Federal Register. Anyone who requires additional information to determine whether a person has been debarred should contact the Office of Defense Trade Controls.

This notice involves a foreign affairs function of the United States and is thus excluded from the procedures of 5 U.S.C. Section 553 and Section 554 and Executive Order 12291 (44 FR 13193). It implements statutory and regulatory requirements that entered into force on December 22, 1987, and April 4, 1988, respectively.

In accordance with these authorities the following persons are debarred for a period of three years following their conviction for violating, or conspiring to violate, the AECA (name/ offense/ date/ court):

1. Symone Morris Behrmann, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778, May 10, 1990, District of Columbia
2. Maryanne E. Callaghan, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778, July 20, 1990, District of Columbia
3. Herbert J. Hoffmann, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), December 11, 1990, District of Maryland
4. John Jarema, 22 U.S.C. 2778, August 30, 1990, Eastern District of Michigan
5. Joseph McColgan, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) June 7, 1991, Southern District of Florida
6. Seamus Moley, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), June 7, 1991, Southern District of Florida
7. Frank J. Randazzo, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), May 10, 1990, District of Columbia
8. David R. Rosen, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778, June 26, 1990, Eastern District of Pennsylvania
9. Rudy Yujen Tsai, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778)

and 22 U.S.C. 2778, March 4, 1991, Eastern District of Pennsylvania

Dated: February 22, 1993.

William B. Robinson,

Director, Office of Defense Trade Controls, Bureau of Politico Military Affairs, Department of State.

[FR Doc. 93–4900 Filed 3–3–93; 8:45 am]

BILLING CODE 4710–25–M

[Public Notice 1769]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies, Working Group on Stability and Load Lines and on Fishing Vessels Safety; Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on March 19, 1993, at 1 p.m. in room 4315 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this Working Group meeting is to discuss the outcome for the 37th Session of the International Maritime Organization (IMO) Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF), which was held on January 11 to January 15, 1993.

Items of discussion will include the following: Subdivision and damage stability standards of passenger ships; harmonization of probabilistic damage stability provisions for all ship types; the new Code of Intact Stability; technical revisions to the 1966 Load Line Convention; stability aspects of open-top container ships; and probabilistic oil outflow.

Members of the public may attend this meeting up to the seating capacity of the room.

For further information on this SLF Working Group meeting, contact Mr. H.P. Cojeen or Mr. W.M. Hayden at (202) 267–2988; U.S. Coast Guard Headquarters (G–MTH), 2100 Second Street, SW., Washington, DC 20593–0001.

Dated: February 19, 1993.

Bruce Carter,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 93–4901 Filed 3–3–93; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Carroll County, MD

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Carroll County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. David Lawton, Planning, Research, Environment and Safety Engineer, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211; telephone number (410) 962–4440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the U.S. Army Corps of Engineers (COE) and the Maryland State Highway Administration, will prepare an Environmental Impact Statement (EIS) on a proposal to improve MD 140 in Carroll County, Maryland. The proposed improvement provides a new roadway from Reese Road, south of Westminster, to Hughes Shop Road, north of Westminster, a distance of about 8.5 miles.

Improvements to the corridor are considered necessary to provide for existing and projected traffic demand. Alternatives under consideration include (1) taking no action; (2) using alternative travel modes; (3) widening the existing highway, controlling access, and providing service roads; (4) relocating MD 140 to the north around Westminster creating a bypass; and (5) relocating MD 140 to the south around Westminster creating a bypass.

The Draft EIS will be available for public and agency review and comment prior to the public hearing. A scoping meeting for this project was held in June 11, 1987.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestion are invited from all interested parties.

Comments or questions concerning this proposed action and EIS should be directed to the FHWA at the addresses provided above. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal Programs and activities apply to this program).

Issued on: February 1993.

A. P. Barrows,

Division Administrator, Baltimore, Maryland.

[FR Doc. 93–4960 Filed 3–3–93; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs Meetings

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, enforcement and other programs. In addition, a second public meeting will be held to describe and discuss NHTSA's research and development programs.

DATES: The Agency's regular, quarterly public meeting relating to the agency's rulemaking, enforcement and other programs will be held on April 6, 1993, beginning at 9:30 a.m. and ending at approximately 12:30 p.m. Questions relating to the agency's rulemaking, enforcement and other programs must be submitted in writing by March 25, 1993, to the address shown below. If sufficient time is available, questions received after the March 25 date may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by March 25, 1993, and the issues to be discussed will be mailed to interested personnel by March 31, 1993, and will be available at the meeting.

Also, the agency will hold a second public meeting later in the day devoted exclusively to a discussion of research and development programs. The meeting will begin at 1:30 p.m. and end at approximately 5 p.m. Questions may be submitted in advance regarding the Agency's crashworthiness and crash avoidance research programs. They must be submitted in writing by March 29 to the address given below. If sufficient time is available, questions received after the March 29 date will be answered at the meeting in the discussion period. The individual, group or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by March 29 will be mailed to interested

personnel by April 1 and will be available at the meeting.

ADDRESSES: Questions for the April 6 NHTSA Technical Industry Meeting, to be held from 9:30 a.m. to 12:30 p.m., relating to the agency's rulemaking, research, and enforcement programs should be submitted to Barry Felrice, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, room 5401, 400 Seventh Street, SW., Washington, DC 20590. Questions for the Research and Development Program Meeting to be held from 1:30 p.m. to 5 p.m. should be submitted to George L. Parker, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, room 6206, 400 Seventh Street, SW., Washington, DC 20590. Both meetings will be held at the Ramada Inn, near the Detroit Metro Airport, 8270 Wickham Road, Romulus, MI 48174.

SUPPLEMENTARY INFORMATION: NHTSA will hold its regular, quarterly meeting from 9:30 a.m. to 12:30 p.m., to answer questions from the public and the regulated industries regarding the agency's rulemaking, enforcement and other programs, on April 6, 1993. Since the agency is holding a separate meeting on its crashworthiness and crash avoidance research programs, any questions on those issues will only be answered at the afternoon meeting and should be submitted to the Research and Development Office. Questions on other aspects of the agency's research and development activities should be submitted, as in the past, to the agency's Rulemaking Office. The meeting will be held at the Ramada Inn, 8270 Wickham Road, Romulus, Michigan. The purpose of the meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, room 5108, 400 Seventh Street, SW., Washington DC 20590. The Technical Reference Section is open to the public from 8:30 a.m. to 4 p.m.

At the NHTSA research and development programs meeting, to be held from 1:30 p.m. to 5 p.m. addressing research and development programs only, the agency will provide information and respond to questions submitted in advance. At this meeting, the Agency will provide an overview of its research and development programs, including in particular, descriptions of crashworthiness research and crash avoidance research. Questions regarding these two program areas that have been submitted in advance will be answered as time permits. At subsequent meetings the Agency will describe other research program areas and respond to questions. As with the regular quarterly meeting as noted above, a transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section.

NHTSA will provide auxiliary aids to participants as necessary, during the NHTSA Technical Industry Meeting and the NHTSA Industry Research and Development Meeting. Thus, any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, Brailled materials, or large print materials and/or a magnifying device), please contact Barbara Carnes on (202) 366–1810, by COB March 25, 1993, for the 9:30 .m. to 12:30 p.m. portion of the meeting or Barbara Coleman (202) 366–1537 by COB March 26, 1993 for the 1:30 p.m. to 5 p.m. portion.

Issued: March 1, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–4983 Filed 3–3–93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 93–12; Notice 1]

Volkswagen of America, Inc., Receipt of Petition for Determination of Inconsequential; Noncompliance

Volkswagen of America, Inc. (Volkswagen) of Auburn Hills, Michigan has determined that its replacement seat belts fail to comply with 49 CFR 571.209, Federal Motor Vehicle Safety Standard No. 209, "Seat Belt Assemblies," and has filed an appropriate report pursuant to 49 CFR part 573. Volkswagen has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Between 1967 and the present, Volkswagen produced and sold replacement seat belts which did not include installation instructions required by Standard No. 209. While Volkswagen cannot calculate the total number of replacement seat belts sold since 1967, it sold approximately 5,300 replacement seat belts during the last 12 months, and assumes—based on an estimate of 5,000 assemblies sold per year—a total of 125,000 assemblies sold since 1967.

Standard No. 209, section S4.1(k) requires that "[a] seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles * * *" In addition, section S4.1(l) requires that "[a] seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened." The instructions pertaining to threading and nonlocking retractors do not apply to Volkswagen's belt designs.

Volkswagen supports its petition for inconsequential noncompliance with the following:

The noncompliance relates to the lack of installation instructions and use instructions as required in FMVSS No. 209. The belts are identified by part number to specific vehicle application and are labeled by model number, date of manufacture, and name of manufacturer in accordance with S4.1(j) of FMVSS 209. All Volkswagen owner's manuals for the vehicles for which such belts were designed have included detailed usage instructions for seat belts. Volkswagen service manual information describing seat belt system installations has been, and is, available to dealers and to the public.

The requirement for installation and seat belt use instructions dates back to the very first standard issued in 1966 at a time when many used vehicles did not have factory installed seat belts so that the automobile manufacturers and others were making available belts for retrofit installation. Therefore, it was possible for vehicle owners and others to install seat belts where none had been provided previously. Also for vehicles without factory installed seat belts, the owner's manuals may not have included seat belt use instructions.

The Canadian standard, CMVSS 209, does not include a requirement for providing

installation and use instructions with seat belt assemblies. Paragraph 32 of CMVSS 209 only requires that every vehicle equipped with a seat belt assembly be provided with written instructions regarding the proper use and maintenance of the seat belt assembly (emphasis original).

Seat belts currently sold by Volkswagen to its dealers are only for installations as replacement belts in specific seating positions in Volkswagen and Audi vehicles and are identified by part number in the parts catalog for use in specific vehicle models and seat positions. This method of identification and the physical differences between belt retractors and attachment hardware as well as the vehicle installation environment preclude the mis-installation of seat belt assemblies.

Seat belt assembly installation instructions are included in Volkswagen Service Manuals available to all Volkswagen and Audi dealers. Independent repair shops and individual owners can also purchase the Service Manual or seek dealer assistance and obtain copies of the instructions, if necessary. In most cases, reference to the installation instructions will not be necessary because the seat belt installation procedure will first be the reverse of the removal procedure.

Seat belt use instructions regarding proper seat belt positioning on the body and proper maintenance and periodic inspection for damage are, and have been included, in all Volkswagen and Audi owner's manuals. Fitting the belt snugly is not applicable with [emergency locking] retractors but appropriate instructions for manual lap belts are provided in the owner's manuals for vehicles equipped with such belts. Volkswagen and Audi have not provided non-locking retractors or Type IIa seat belts and all are integrally sewn so that proper threading of the webbing in the hardware is not applicable.

Volkswagen is presently developing installation and use instructions for replacement seat belt assemblies. This material will be provided to dealers for insertion into the packaging of seat belts in their inventory and will also be placed into the packages of seat belts at Volkswagen service parts warehouses. The required material will also be included with all seat belt assemblies shipped to Volkswagen of America, Inc. for resale to dealers in the future.

Volkswagen is not aware of owner complaints or field incident reports relating to the lack of installation and use instructions with replacement seat belt assemblies. Notification and remedy by mailing out such instructions to prior vehicle owners or non-dealer repair shops who have purchased seat belt assemblies would not be possible since records of such sales are not kept.

Interested persons are invited to submit written data, views, and arguments on the petition of Volkswagen, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 5, 1993.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: March 1, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–4982 Filed 3–3–93, 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 24, 1993.

The Department of the Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 8833
Type of Review: Resubmission
Title: Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
Description: Form 8833 will be used by taxpayers that are required by section 6114 to disclose a treaty-based return position to disclose that position. The form may also be used to make the treaty-based return position disclosure required by Regulations section 301.7701(b)–7(b) for "dual resident" taxpayers.
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents/ Recordkeepers: 6,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—3 hours, 7 minutes
Learning about the law or the form—1 hour, 29 minutes
Preparing and sending the form to the IRS—1 hour, 37 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 37,260 hours
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–4909 Filed 3–3–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

February 24, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510–0004
Form Number: TFS 285–A
Type of Review: Extension
Title: Schedule of Excess Risks
Description: Listing of Excess Risks written or assumed by Treasury Certified companies showing compliance with Treasury Regulations to assist Treasury in determining solvency of Certified companies for the benefit of writing Federal surety bonds.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents:
Applications: 40
Renewals: 305
Estimated Burden Hours Per Response:
20 hours

Frequency of Response: Quarterly
Estimated Total Reporting Burden: 25,200 hours
Clearance Officer: Jacqueline R. Perry (301) 344–8577, Financial Management Service, 3361–L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–4910 Filed 3–3–93; 8:45 am]

BILLING CODE 4810-35-M

Public Information Collection Requirements Submitted to OMB for Review

February 24, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0092
Form Number: ATF F 5100.31 (1648/1649/1650)
Type of Review: Extension
Title: Application for Certification/Exemption of Label/Bottle Approval Under the Federal Alcohol Administration Act
Description: The Federal Alcohol Administration Act regulates the labeling of alcoholic beverages and designates the Treasury Department to oversee compliance with regulations. This form is completed by the regulated industry and submitted to Treasury as an application to label their products. Treasury oversees label application to prevent consumer deception and to deter falsification of unfair advertising practices on alcoholic beverages.
Respondents: Businesses or other for-profit, Small businesses or other organizations
Estimated Number of Respondents: 6,060
Estimated Burden Hours Per Respondent: 30 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 27,300 hours

OMB Number: 1512–0185
Form Number: ATF F 5400.5
Type of Review: Extension
Title: Report of Theft or Loss Explosives
Description: Losses or theft of explosives must, by statute, be reported within 24 hours of the discovery of the loss or theft. This form contains the minimum information necessary for ATF to initiate criminal investigations.
Respondents: Businesses or other for-profit, Small businesses or other organizations
Estimated Number of Respondents: 250
Estimated Burden Hours Per Respondent: 1 hour, 48 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 450 hours

OMB Number: 1512–0204
Form Number: ATF F 5110.38
Type of Review: Extension
Title: Formula for Distilled Spirits Under the Federal Alcohol Administration Act (Supplemental)
Description: ATA F 5110.38 is used to determine the classification of distilled spirits for labeling and for consumer protection. The form describes the person filing, type of product to be made, and restrictions to the labeling and manufacture. The form is used by ATF to ensure that a product is made and labeled properly and to audit distilled spirits operations.
Respondents: Small businesses or other organizations
Estimated Number of Respondents: 200
Estimated Burden Hours Per Respondent: 1 hour
Frequency of Response: On occasion
Estimimated Total Reporting Burden: 4,000 hours

OMB Number: 1512–0469
Form Number: None
Type of Review: Extension
Title: Labeling of Sulfites in Alcoholic Beverages
Description: In a final rule published in the **Federal Register** on July 9, 1986 (51 FR 25012) the Food and Drug Administration established 10 parts per million as the threshold for declaration of sulfites in food and wine products. The Bureau of Alcohol, Tobacco ad Firearms on September 30, 1986 published a final rule (ATF–236) (51 FR 34706) establishing the same threshold for declaration of sulfites in alcoholic beverages.
Respondents: Businesses or other for-profit, Small businesses or other organizations
Estimated Number of Respondents: 4,787
Estimated Burden Hours Per Respondent: 40 minutes
Frequency of Response: On occasion
Estimimated Total Reporting Burden: 3,159 hours

OMB Number: 1512–0482
Form Number: ATF REC 5100/1
Type of Review: Extension
Title: Labeling and Advertising Requirements under the Federal Alcohol Administration Act
Description: Under the Federal Alcohol Administration Act, bottlers and importers of alcohol beverages are required to display certain information for consumers on labels and in advertisements. Other optional statements are also required.
Respondents: Businesses or other for-profit, Small businesses or other organizations
Estimated Number of Respondents: 6,060
Estimated Burden Hours Per Respondent: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 1 hour

OMB Number: 1512–0503
Form Number: ATF REC 5120/3
Type of Review: Reinstatement
Title: Marks on Wine Containers
Description: The Bureau of Alcohol, Tobacco and Firearms (ATF) requires that wine on wine premises be identified by statements of information on labels or contained in marks. ATF uses this information to validate the receipts of excise tax revenue by the Federal Government. Consumers are provided with adequate identifying information.
Respondents: Businesses or other for-profit, Small businesses or other organizations
Estimated Number of Respondents: 1,560
Estimated Burden Hours Per Respondent: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 1 hour
Clearance Officer: Robert N. Hogarth, (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive

Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–4911 Filed 3–3–93; 8:45 am]

BILLING CODE 4810–25–M

[Directive No. 16–32]

Functions Pertaining to the Former Office of Defense Lending; Directive

February 22, 1993.

1. *Delegation.* By virtue of the authority granted to the Fiscal Assistant Secretary by Treasury Order (TO) 101–05, I hereby delegate to the Commissioner, Financial Management Service, the authority and responsibility for all functions pertaining to lending and liquidation transferred from the former Office of Defense Lending.

2. *Redelegation.* The Commissioner, Financial Management Service, may redelegate this authority, as appropriate, to subordinate officials.

3. *Cancellation.* Treasury Directive 16–32, "Functions Pertaining to Lending and Liquidation," dated September 22, 1986, is superseded.

4. *Authority.* TO 101–05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

5. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–4908 Filed 3–3–93; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Public and Private Non-Profit Organizations In Support of International Educational and Cultural Activities; Request for Proposals; The Role of Legislative Staff and Information Resources in the Legislative Process (Africa)

ACTION: Notice—Request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) of the United States Information Agency (USIA) proposes the development of two multi-phased exchange programs for legislative staff of African countries. One project will be designed for participants from the francophone countries of Benin, Cameroon, Congo, Mali and Rwanda. The other project is intended for participants from anglophone countries of Ghana, Kenya, Namibia, Zambia, and Zimbabwe. Each project should introduce participants to the responsibilities of various professional staff in conducting the business of a legislature, emphasizing professional non-partisan roles. Each program may address a wide range of administrative, legal, fiscal, and research services or concentrate on a few of notable priority. In all proposed programs, some activities should illustrate the role of information resources in conducting policy analysis and drafting legislation as well as the role of archival materials in establishing the legislature's official legal record. Each program should facilitate access to resource materials to promote the study of the legislative process and should lay the foundation for collaboration between U.S. and African legislatures and professional supportive organizations.

A U.S. not-for-profit institution will design and execute each program and select the American presenters. The institution should demonstrate success in coordinating international exchange programs for senior-level foreign participants. The applicant institution should have substantive working relationships with U.S. public and private sector organizations involved with legislative affairs and the professional development of key staff in Congress or in state assemblies. The program will begin in the late summer or fall of 1993.

Interested applicants are urged to read the complete Request for Proposals (RFP) announcement before addressing inquiries to the Office. After the RFP deadline, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until the final decisions are made.

ANNOUNCEMENT NUMBER: This Announcement number is E/P–93–12. Please refer to this number and the title given above in all correspondence or telephone calls to USIA.

DATES: Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on May 7, 1993. Faxed documents will not be accepted, nor will documents postmarked May 7, 1993 but received at a later date. It is the responsibility of the grant applicant to ensure that proposals are received by this deadline. Grant activity should begin after August 1, 1993.

ADDRESSES: The original and 14 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, REF: E/P–93–12, Office of Grants Management (E/XE), room 336, 301 Fourth Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations should contact the Office of Citizen Exchanges (E/P), room 216, United States Information Agency, 301 Fourth Street SW., Washington, DC 20547, fax (202) 619–4350, to request the detailed Application Package which includes all necessary forms and guidelines for proposals, including specific budget preparation instructions. Please specify the name of USIA Program Specialist Stephen Taylor on all inquiries and correspondence.

Background

Several francophone and anglophone African countries are evolving from single-party to multi-party systems of government. In this process, national legislatures have the opportunity to gain greater independence, develop more effective legislation and take steps to serve more forcefully as a balance to executive power. The viability and institutional independence of these legislative bodies could be enhanced by professional staff better trained to play a support role for lawmakers and the legislative process. In addition to carrying out daily duties, legislative staff are well placed to provide continuity regardless of the legislature's partisan make-up or the political fortunes of elected representatives.

In the United States, Congress and many state legislatures employ professional staff to conduct research, draft legislation, analyze budgets, audit accounts, maintain records, monitor compliance with legislation and perform other duties. In many cases, professional staff provide these services on a non-partisan basis. For example, on Capitol Hill, the Office of the Legislative Counsel assists committees in drafting and amending legislation. The clerk of the House and secretary of the Senate, selected by the majority party, assist in processing legislation and performing various reporting functions. The House Office of the Law Revision Counsel updates and publishes an official classification of U.S. laws.

In drafting bills, lawmakers also rely on other non-partisan support organizations such as the Congressional Research Service, which analyzes public policy issues, and the Congressional Budget Office, which provides analyses of fiscal issues. Congress also has at its disposal organizations to support its oversight role such as the General Accounting Office which monitors executive branch expenditures.

While not every one of these services is directly applicable to needs in Africa, they reflect the evolving demands placed upon the U.S. Congress and

could help guide efforts to promote professional development of legislative staff in Africa. Several young African legislatures are drafting landmark legislation aimed at implementing political and economic reforms. This process has sparked needs for expanded information resources and archival systems. For example, Namibia, two years after gaining independence from South Africa, is drafting legislation aimed at eliminating the remnants of the apartheid system. Lawmakers and legislative staff in Benin and Zambia are seeking reference materials and other resources to draft legislation countering the effects of decades of single party government. In Mali, legislative staff could benefit from specialized training activities to support efforts to restore the National Assembly's archives. Legislative aides in these young African democracies could benefit from a project to enhance their capabilities to assist lawmakers fulfill their legislative mandates.

Objectives

Each program should be designed to:

—Provide an overview of the structure and practices of representative government in the United States, including the interrelationship between the three branches of government;

—Introduce participants to the professional support offices and staff employed by the U.S. Congress and appropriate state legislatures;

—Demonstrate the roles and skills of professional staff in the day-to-day operations of a legislature and the nature of their interaction with lawmakers;

—Analyze the relationship between partisan politics and the professional responsibilities of legislative staff;

—Develop workshops and appropriate instructional material designed to evaluate the needs of African legislators and professional aides in improving the legislative process;

—Develop strategies for improving management of archives, legislative records and other official documentation;

—Develop methods for training African professional legislative staff in the specialized skills necessary to do their jobs well;

—Devise strategies to facilitate access to reference materials and other appropriate information about the structure and functioning of the U.S. Congress, state legislatures and other democratic institutions, and

—Lay the groundwork for collaboration between the professional support services for U.S. legislatures and counterpart services of African legislatures.

Participants

In the francophone program, one phase in the U.S. should be designed for up to 12 legislative staff from Rwanda, Congo, Cameroon, Mali and Benin. In the anglophone program, one phase in the U.S. should be designed for up to 12 legislative staff from Ghana, Kenya, Namibia, Zambia and Zimbabwe. Participants should have professional responsibilities related to the operation of the national legislature. USIS personnel overseas will select the African participants, although recommendations from the grantee institution are welcome. USIS offices will facilitate the issuance of visas and can also help with the distribution of program-related materials to African participants. For the francophone program, two U.S. State Department interpreters and one escort officer will be available for a U.S. study tour. For the program phases in Africa, the grantee institution will select the American presenters in consultation with USIA. Presenters conducting activities in francophone Africa should be French-fluent.

Programming Suggestions

Pursuant to the legislation authorizing the USIA Bureau of Educational and Cultural Affairs, all programs sponsored by that Bureau must be balanced and non-partisan in nature and representative of the diversity of American political, social and cultural life.

USIA is interested in multi-phase programs in which the phases build on one another and include such programming elements as workshops or seminars overseas led by American experts, a study tour in the U.S. for selected African participants, U.S.-based internships, and specialized American consultancies overseas. For each program, a planning visit overseas by the American organizer can also be considered if crucial to successful development and implementation of the program. U.S.-based internships often work best when arranged for the most promising participants in earlier, in-country workshops. Funding from USIA probably will not be sufficient to support all these programming elements unless supplemented by substantial cost sharing from other sources. It is the applicant's responsibility to design a coherent and cost effective program proposal which addresses objectives delineated in this announcement and contains a funding request which does not exceed cost limitations noted below in the Funding section.

Each of the two proposed projects described herein should include at least one phase for African participants in the U.S. and at least one phase for American specialists in Africa. The following comments should serve not as a blueprint, but as a stimulus for development of an original program design.

Each project should include formats which maximize interaction between the delegates and the speakers/presenters. The program design should provide adequate time for delegates to meet individually with American professionals who have similar interests and specializations. It is preferred, though not essential, that presenters be familiar with issues pertaining to the political process in the participating African countries.

Each two-way exchange program should introduce participants to the responsibilities and skills of various professional staff in conducting the business of a legislature and should highlight the non-partisan nature of their roles.

U.S. Study Tour Phase

The U.S. study tour (approximately 3 weeks) could begin with an introduction to the U.S. Congress and its relationship to the other branches of the national government. However, the program should focus most heavily on one or more state legislatures whose scope and structure offer comparisons relevant to African legislative bodies. Participants would learn about the professional duties of various legislative aides and staff of support organizations including counsels, researchers, analysts, archivists, clerks and administrators.

Participants might also benefit from observing the activities of lawmakers' personal staff who perform functions from constituent services to media relations and committee staff who assist in setting agendas, organizing hearings and drafting legislation. Activities should stress the importance of professionalism in enhancing the long-term institutional viability of the legislature and consider the impact of partisan politics on the professional staff's pursuit of its responsibilities.

Participants also should study a variety of archival materials and their usage in supporting the legislative process and establishing the official record. Activities should help guide efforts to formulate appropriate strategies for handling archival materials in the participants' home countries.

Each program might also study media-related issues and examine liaison mechanisms which facilitate communication between the legislature and the executive branch.

Phase in Africa

It is recommended that the grantee institution organize a series of workshops to be conducted in the participating African countries. The workshops would bring together legislators and legislative staff to develop strategies aimed at strengthening the institutional capabilities of the legislature. This might include creating new staffing patterns, improving communication techniques or revising job responsibilities. The U.S. presenters would examine existing archives and advise participants on developing appropriate archiving systems. In francophone Africa, the U.S. presenters would conduct activities in French.

The themes, objectives and design of the activities in Africa would most likely be based on discussions with participants during the course of the U.S.-based phase and through consultations with E/P and USIS posts.

Each multi-phased exchange program should promote development of institutional linkages designed to advance the study of the legislative process. E/P encourages applicant institutions to consider strategies to facilitate access to information resources focusing on democratic institution building. This material might include reference books, periodicals, bibliographies, handbooks for elected representatives and lists of organizations that could offer assistance.

Program Responsibilities

For each program, the grantee institution's responsibilities include: Selecting speakers, themes and topics for discussion; organizing a coherent progression of activities; orienting and debriefing participants; providing any support materials; providing all travel arrangements, lodging and other logistical arrangements for the African participants, escort interpreters and U.S. presenters who travel to Africa; and overseeing the project on a daily basis to achieve maximum program effectiveness. The grantee institution is responsible for coordinating plans and implementation with E/P, participating USIS posts, and any African co-host institutions.

At the start of each program, the grantee institution will conduct an orientation session for the delegation. At the conclusion, the institution will conduct participant evaluations and submit to E/P a final program report summarizing the entire project and resulting organizational links. To prepare the participants for their U.S. experience, E/P encourages the grantee organization to forward to participants a set of preliminary materials outlining the basic principles of representative government, the role of professional legislative staff and other appropriate background information. E/P will ask African participants to prepare brief outlines describing their own particular interests in these areas. The grantee institution should brief the American presenters on the African delegates' backgrounds, interests and concerns.

Funding

Competition for USIA funding support is keen. Selection of a grantee institution is based on the substantive nature of the program proposal; the applicant's professional capability to carry the program through to a successful conclusion; and cost effectiveness, including in-kind contributions and the ability to keep overhead costs at a minimum. USIA will consider funding up to $160,000 for the francophone program and up to $145,000 for the anglophone program, but organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000, and their budget submission should correspond to this limitation. Any proposal whose funding request to USIA exceeds these limits will be considered technically ineligible. Grant applicants may submit a proposal to manage both the francophone and the anglophone programs, or may submit a proposal to develop only one of these programs. If submitting a proposal for both programs, the applicant should be careful to avoid duplication of costs.

USIA will consider funding the following costs:

1. International and domestic air fares; visas; transit costs (e.g., airport fees); ground transportation costs;

2. Per diem: (A) In the United States: For foreign participants, organizations have the option of using a flat rate of $140/day for U.S. domestic per diem or the published Federal Travel Regulations per diem rates for individual American cities. (Note: Accompanying staff must use the published Federal per diem rates, not the flat rate.)

(B) In Africa:

The maximum per diem allowances for travel in foreign areas, established by the U.S. Department of State, applies to all U.S. presenters.

3. Escort-interpreters: Interpretation for U.S.-based programs is provided by the State Department's Language Services Division. USIA grants do not pay for foreign interpreters to accompany delegations during travel to or from their home country. Grant proposal budgets should contain a flat $140/day per diem rate for each State Department interpreter, as well as home-program-home air transportation of $400 per interpreter and any U.S. travel expenses during the program itself. Salary expenses are covered centrally and are not part of the applicant's budget proposal. Interpreters should only be included in the francophone program. Interpreters are not available for U.S.-based internship activities.

4. Book and cultural allowances: Participants are entitled to a one-time book allowance of $50 plus a cultural allowance of $150 per person during programs taking place in the United States. U.S. staff do not receive these benefits. Escort interpreters are reimbursed for cultural expenses incurred while escorting.

5. Consultants: Consultants may be used to provide specialized expertise or to make presentations. Honoraria generally should not exceed $250/day. Subcontracting organizations may also be used, in which case the written contract(s) should be included in the proposal.

6. Materials development: Proposals may contain costs to purchase, develop and translate materials for participants.

7. Room rentals, which generally should not exceed $250/day.

8. One working meal per project, for which per capita costs may not exceed $15–$20 for a lunch or $20–$30 for a dinner. The ratio of invited guests to project participants may not exceed two to one. These costs include room rental, where applicable.

9. Administrative costs: USIA-funded administrative costs are limited to twenty-two (22%) per cent of the total funds requested from USIA. Administrative costs are defined as salaries, benefits and other direct and indirect costs incurred in the United States (see the Application Package for details). Important note for universities: The USIA Bureau of Educational and Cultural Affairs defines American faculty salaries as an administrative expense, regardless of how the faculty time is to be used.

10. A return travel allowance of $70.00 for each participant which is to be used for incidental expenditures incurred during international travel.

All delegates will be covered under the terms of a USIA-sponsored health

insurance policy. The premium is paid by USIA directly to the insurance company.

Application Requirements

Proposals must be structured in accordance with the instructions contained in the Application Package. Supporting letters from U.S. and/or foreign co-sponsors will enhance a proposal. Because this is a competitive solicitation, representatives of the Office of Citizen Exchange can only respond to technical questions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the Application Package.

Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals will be reviewed by USIS posts and by USIA's Office of African Affairs. Proposals may also be reviewed by the Office of the General Counsel or other Agency offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer. The award of any grant is subject to availability of funds.

The U.S. Government reserves the right to reject any or all applications received. USIA will not pay for design and development costs associated with submitting a proposal. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense. USIA will not award funds for activities conducted prior to the actual grant award.

Review Criteria

USIA will consider proposals based on the following criteria:

1. Quality of Program Idea

Proposals should exhibit originality, substance, rigor, and relevance to the Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. Institutional Reputation and Ability

Applicant institutions should demonstrate their potential for excellence in program design and implementation and/or provide documentation of successful programs. If an applicant is a previous USIA grant recipient, responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts will be considered. Relevant substantive evaluations of previous projects may also be considered in this assessment.

3. Project Personnel

The thematic and logistical expertise of project personnel should be relevant to the proposed program. Resumes or C.V.s should be summaries which are relevant to the specific proposal and no longer than two pages each.

4. Project Planning

A detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. Thematic Expertise

Proposal should demonstrate the organization's expertise in the subject area which promises an effective sharing of information.

6. Cross-Cultural Sensitivity and Area Expertise

Evidence should be provided of sensitivity to historical, linguistic, religious, and other cross-cultural factors, as well as relevant knowledge of the target geographic area/country.

7. Ability to Achieve Program Objectives

Objectives should be realistic and feasible. The proposal should clearly demonstrate how the grantee institution will meet program objectives.

8. Multiplier Effect

Proposed programs should strengthen long-term mutual understanding and contribute to maximum sharing of information and establishment of long-term institutional and individual ties.

9. Cost-Effectiveness

Overhead and direct administrative costs to USIA should be kept as low as possible. All other items proposed for USIA funding should be necessary and appropriate to achieve the program's objectives.

10. Cost-Sharing

Proposals should maximize cost-sharing through other private sector support as well as direct funding contributions and/or in-kind support from the prospective grantee institution and its partners.

11. Follow-on Activities

Proposals should provide a plan for continued exchange activity (without USIA support) which ensures that USIA-supported programs are not isolated events.

12. Project Evaluation

Proposals should include a plan to evaluate the activity's success. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Grantees will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency which contradicts published language will not be binding.

Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Awards cannot be made until funds have been fully appropriated by Congress and allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 21, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 26, 1993.

John Garner,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–4918 Filed 3–3–93; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Administration (161B3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 535–7407.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 5, 1993.

Dated: February 24, 1993.

By direction of the Secretary

Frank E. Lalley,

Associate Deputy Assistant Secretary for Information, Resources, Policies and Oversight.

Reinstatement

1. Agent Orange Registry Code Sheet, VA Form 10–9009.
2. The form is used to gather all the necessary information for entry into the Agency Orange Registry. The information is obtained through a personal interview process during the physical examination.
3. Individuals or households.
4. 3,000 hours.
5. 15 Minutes.
6. Non-recurring.
7. 12,000 respondents.

[FR Doc. 93–4922 Filed 3–3–93; 8:45 am]

BILLING CODE 8320-01-M

Summary of Precedent Opinions of the General Counsel.

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 523–3826.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 12.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

O.G.C. Precedent Opinion 19–92

Questions Presented

1. In the event of a readjustment in the rating schedule, does section 103 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law No. 102–86, 105 Stat. 414–415 (1991) prohibit any reduction in the evaluation assigned to a service-connected disability unless new medical evidence supports a reduction of the rating under the superseded rating criteria?

2. Does the protection afforded by section 103 extend to minimum ratings that have been eliminated by a readjustment of the rating schedule? This question was illustrated by the following hypothetical situation: A veteran is receiving a minimum 10 percent rating under 38 CFR part 4, Diagnostic Code 7528 for residuals of a malignancy of the genitourinary system. After the minimum rating is eliminated by a readjustment of the rating schedule, the veteran suffers a recurrence of cancer and is assigned a 100 percent evaluation for the allowable period under the new rating criteria. If as a result of treatment the cancer again disappears completely leaving no residuals, may a noncompensable evaluation be assigned under the new rating criteria or must the 10 percent minimum evaluation be assigned under the superseded criteria?

3. Does section 103 permit, in a case where a veteran has a combined disability evaluation, the reduction of individual evaluations by reason of new rating criteria rather than an improvement in the veteran's disability as long as the combined evaluation, and hence, the total monetary benefit is not reduced?

4. In the event of legislative changes to those provisions of 38 U.S.C. 1114 which prescribe the circumstances under which special monthly compensation is payable, would the protection afforded by section 103 extend to veterans who are no longer entitled to payment of special monthly compensation by reason of changed criteria rather than an improvement in their disabilities?

Held

1. Section 103 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law No. 102–86, 105 Stat. 414–415 (1991) requires that when evaluating service-connected disabilities, adjudicators consider both the old and the new rating criteria and apply the new criteria when an improvement in a disability sufficient to warrant a reduction under the old criteria occurs.

2. The protection afforded by section 103 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law No. 102–86, 105 Stat. 414–415 (1991) applies only to ratings in effect when an adjustment in the rating schedule occurs. Hence, if a veteran is receiving a minimum 10 percent rating under 38 CFR part 4, Diagnostic Code 7528 for residuals of a malignancy of the genitourinary system when the minimum rating is eliminated by a readjustment of the rating schedule and he or she subsequently suffers a recurrence of cancer and is assigned a 100 percent evaluation for the allowable period under the new rating criteria, should the cancer again disappear completely leaving no residuals, a noncompensable evaluation under the new rating criteria should be assigned.

3. Even if a combined evaluation, and hence, the total monetary benefit payable for all service-connected disabilities is not reduced, section 103 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law No. 102–86, 105 Stat. 414–415 (1991) does not authorize the reduction of individual disability ratings under new rating criteria in the absence of evidence of improvement in a veteran's disability.

4. In the event of legislative changes to those provisions of 38 U.S.C. 1114 which prescribe the circumstances under which special monthly compensation is payable, the language and, if necessary, the legislative history of such legislative changes will determine whether Congress intends to

preclude reductions in the rates of special monthly compensation solely by reason of the changed criteria.

Effective date: September 29, 1992.

O.G.C. Precedent Opinion 20–92

Questions Presented

a. Is the clothing allowance authorized by 38 U.S.C. 1162 subject to the provisions of 38 U.S.C. 5313, which limit the payment of certain benefits to veterans incarcerated for conviction of a felony?

b. If not, would the Secretary have other authority to similarly limit payment of the clothing allowance to incarcerated veterans?

Held

Section 5313 of title 38 U.S. Code, which operates to restrict entitlement to disability and death compensation and dependency and indemnity compensation, does not restrict entitlement to the clothing allowance payable under 38 U.S.C. 1162, and VA is not otherwise authorized to restrict entitlement to the clothing allowance on the basis of incarceration.

Effective date: October 13, 1992.

O.G.C. Precedent Opinion 21–92

Question Presented

Is the burial allowance authorized by 38 U.S.C. 2302 payable on behalf of an incompetent veteran whose compensation payments were in suspension at the time of the veteran's death pursuant to section 8001 of the Omnibus Budget Reconciliation Act of 1990, Public Law No. 101–508, 104 Stat. 1388, 1388–341, because the value of his or her estate exceeded $25,000?

Held

A veteran whose compensation payments were in suspension at the time of his or her death pursuant to section 8001 of the Omnibus Budget Reconciliation Act of 1990, Public Law No. 101–508, 104 Stat. 1388, 1388–341 (1990), which generally prohibits payment of compensation to an incompetent veteran having no spouse, child, or dependent parent and having an estate in excess of $25,000 (exclusive of the value of the veteran's home), was not in receipt of compensation for purposes of determining eligibility for the burial allowance authorized by 38 U.S.C. 2302.

Effective date: October 13, 1992.

O.G.C. Precedent Opinion 22–92

Question Presented

Does 38 U.S.C. 5122 require payment of amounts represented by uncashed VA benefit checks to the estate of a deceased beneficiary?

Held

Upon death of a veteran who has received but not negotiated VA benefit checks, VA is authorized under 38 U.S.C. 5122 to make payment of the amount represented by the checks to the classes of persons designated in 38 U.S.C. 5121(a), generally, the surviving spouse, child, or dependent parent, or the person bearing the expense of the veteran's last sickness and burial. Under section 5122, any sum not paid in that manner is to be distributed to the estate of the payee after settlement by the General Accounting Office, provided that the amount to be distributed will not escheat.

Effective date: November 4, 1992.

O.G.C. Precedent Opinion 23–92

Question Presented

Is payment of the greater aid-and-attendance allowance, provided under 38 U.S.C. 1114(r)(2) for veterans in need of a higher level of care, authorized where a veteran is receiving residential or nursing-home care in an institution at the veteran's own expense?

Held

The greater aid-and-attendance allowance, provided under 38 U.S.C. 1114(r)(2) for veterans in need of a higher level of care, may be paid where an otherwise eligible veteran is receiving residential or nursing-home care in an institution at the veteran's own expense.

Effective date: November 12, 1992.

O.G.C. Precedent Opinion 24–92

Question Presented

May discount points paid by the veteran on an interest-rate-reduction refinancing loan (IRRRL) be included in the loan amount if the Secretary elects to permit negotiated interest rates pursuant to 38 U.S.C. 3703(c)(4)(A)(i)?

Held

Veterans may not finance discount points on VA guaranteed interest-rate-reduction refinancing loans so long as the interest rate on VA loans is negotiated between the veteran and the lender pursuant to 38 U.S.C. 3703(c)(4)(A)(i).

Effective date: November 19, 1992.

O.G.C. Precedent Opinion 25–92

Question Presented

Does the increase in the maximum amount of Servicemen's Group Life Insurance (SGLI) from $50,000 to $100,000 provided by section 336 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, Public Law No. 102–25, 105 Stat. 75 (Act), which became effective on April 6, 1991, apply to all SGLI insureds who died on or after the effective date of the Act regardless of the date of separation or release from military service?

Held

The language of section 336(c) of Public Law 102–25 is clear on its face that the increase in maximum SGLI benefits should apply to "deaths on or after the date of enactment" of the Act. The legislative history of Public Law 102–25 does not indicate the Congress intended to limit the higher coverage to those members separated or released on or after April 6, 1991. We conclude, therefore, that the increase in SGLI benefits applies to deaths of SGLI insureds which occurred on or after April 6, 1991, the date of enactment of Public Law 102–25.

Effective date: November 16, 1992.

O.G.C. Precedent Opinion 26–92

Questions Presented

1. Would the filing of a motion for reconsideration with the Court of Veterans Appeals (CVA) stay the precedential effect of the court's decision in *Fluharty* v. *Derwinski*, U.S. Vet. App. No. 90–676 (April 3, 1992), as to other cases? That is, if a motion for reconsideration is filed, would the Board of Veterans' Appeals (BVA) be bound to apply the reasoning in *Fluharty* to cases currently under active consideration pending the court's ruling on the motion for reconsideration?

2. Is the court's statement concerning the applicability of *Manio* v. *Derwinski*, 1 Vet. App. 140 (1991), and *Colvin* v. *Derwinski*, 1 Vet. App. 171 (1991), to claims for increased ratings and total ratings determinative of the court's holding in *Fluharty*, or is it dicta? That is, is the Board required to apply 38 U.S.C. 5108 to cases involving claims for increased and total ratings on the basis of *Fluharty*?

Held

1. The filing of a motion for reconsideration with the Court of Veterans Appeals does not stay the precedential effect of the court's decision as to other cases. Therefore, BVA is bound to apply the court's decision in similar cases pending the court's ruling on the motion for reconsideration if it chooses to adjudicate such cases before the court rules on the motion.

2. The court's statement, applying *Manio* and *Colvin* in *Fluharty*, is not

dicta. However, the parameters of its statement in this regard, and thus its precedential effect, are far from clear. In *Frank Proscelle* v. *Derwinski*, 2 Vet. App. 629 (1992), the court subsequently ruled that section 5108 does not apply to claims that disability has increased. Moreover, because in *Fluharty* CVA gave no explanation or reason for section 5108's application to individual unemployability cases, its remaining application to even those cases is uncertain. Under the circumstances, we do not believe VA is bound to apply section 5108 to any claims for increased rating, although we cannot predict with certainty how CVA will view the matter.

Effective date: December 9, 1992.

O.G.C. Precedent Opinion 27–92

Questions Presented

a. Whether the attorney-fee agreement ultimately filed in this case is legally sufficient to require the Department of Veterans Affairs (VA) to make payment out of past-due benefits?

b. If the fee agreement is sufficient, is VA legally obligated to pay the fee directly to the attorney when no past-due benefits are payable due to the fact that VA has already paid the complete amount of past-due benefits to the claimant?

Held

a. It would be improper for the General Counsel to rule on the sufficiency of a particular attorney-fee agreement under 38 U.S.C. 5904(c) since, as provided therein, Congress authorized the Board of Veterans' Appeals (BVA) to review fee agreements and, under 38 U.S.C. 7263(d), vested the Court of Veterans Appeals (CVA) with the authority to review BVA determinations regarding attorneys' fees. The General Counsel's role in such matters is properly limited to advising BVA on matters of legal interpretation.

b. The United States is immune from claims for attorneys' fees absent a waiver of sovereign immunity. The statute which authorizes the Secretary to pay attorney fees out of past-due benefits does not waive sovereign immunity, and expressly prohibits the withholding of benefits payable after the date of the decision awarding past-due benefits for the purpose of paying attorney fees. Accordingly, VA has no legal authority to pay attorney fees when payment of the complete amount of past-due benefits has been made to the claimant.

Effective: December 9, 1992.

C. Precedent Opinion 28–92

Question Presented

Whether the term, "pay grade," as used in the determination of the veteran's pay grade under 38 U.S.C. 1302(b)(1), includes the higher grade of a veteran in a reserve component, where the military service department has certified that the veteran held both the rank of "staff sergeant" on active duty and "major" in a reserve component when the veteran was released from active duty under conditions other than dishonorable?

Held

The term, "pay grade," as used for purposes of determining the veteran's pay grade under 38 U.S.C. 1302(b)(1), does not include the higher grade of a veteran in a reserve component, where the military service department has certified that the veteran held both the rank of "staff sergeant" on active duty and "major" in a reserve component when the veteran was released from active duty under conditions other than dishonorable.

Effective date: December 23, 1992.

By direction of the Secretary.

Robert E. Coy,

Acting General Counsel.

[FR Doc. 93–4959 Filed 3–3–93; 8:45 am]

BILLING CODE [illegible]

Sunshine Act Meetings

Federal Register
Vol. 58, No. 41
Thursday, March 4, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 5, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–5031 Filed 3–2–93; 10:42 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 12, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–5032 Filed 3–2–93; 10:42 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 19, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–5033 Filed 3–2–93; 10:42 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, March 26, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–5034 Filed 3–2–93; 8:45 am]

BILLING CODE 6351–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:06 a.m. on Tuesday, March 2, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Reports of the Office of Inspector General.

Recommendation concerning administrative enforcement proceedings.

Application for consent to convert deposits from the Bank Insurance Fund to the Savings Association Insurance Fund.

Request for a waiver of the cross-guaranty provisions of the Federal Deposit Insurance Act.

Matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: March 2, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–5181 Filed 3–2–93; 3:33 pm]

BILLING CODE 6714–5–M

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER NUMBER: 93–4560.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 4, 1993, 10:00 a.m. meeting open to the public.

THE FOLLOWING ITEMS WERE ADDED TO THE AGENDA:

Advisory Opinion 1993–2: Mr. Robert F. Bauer on behalf of the Democratic Senatorial Campaign Committee. (Continued from the meeting of February 25, 1993).

Voting Age Population (VAP) Figures for the 1993 Texas Senate Special Election. (Continued from the meeting of February 25, 1993).

DATE AND TIME: Tuesday, March 9, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, March 11, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Title 26 Certification Matters
Request for Public Hearing Ex Parte Rules
Status of Regulations Projects
Report from FEC Data Division
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 93–5173 Filed 3–2–93; 3:18 pm]

BILLING CODE 6715–01–M

federal register

Thursday
March 4, 1993

Part II

Environmental Protection Agency

40 CFR Part 435

Oil and Gas Extraction Point Source Category; Offshore Subcategory Effluent Guidelines and New Source Performance Standards; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 435

[FRL–4537–1]

RIN 2040–AA12

Oil and Gas Extraction Point Source Category; Offshore Subcategory Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes effluent limitations guidelines and new source performance standards limiting the discharge of pollutants to waters of the United States from the offshore subcategory of the oil and gas extraction point source category. This rule is promulgated under authority granted to EPA by the Clean Water Act and is required by consent decree in *NRDC* v. *Reilly*, D. D.C. No. 79–3442 (JHP).

The regulation establishes effluent limitations guidelines attainable by the application of the "best available technology economically achievable" (BAT) and "best conventional pollutant control technology" (BCT), and establishes "new source performance standards" (NSPS) attainable by the application of the "best available demonstrated technology." The existing effluent limitations guidelines based on the achievement of the "best practicable control technology currently available" (BPT) are not being changed by this regulation. Since offshore oil and gas facilities currently do not discharge into publicly owned treatment works (POTWs), pretreatment standards are not included in this regulation.

DATES: The regulation shall become effective April 5, 1993.

The compliance date for NSPS is the date the new source begins operation. Deadlines for compliance with BCT and BAT are established in NPDES permits.

In accordance with 40 CFR part 23, this regulation shall be considered issued for the purposes of judicial review at 1 p.m. Eastern time on March 18, 1993. Under section 509(b)(1) of the Clean Water Act, judicial review of this regulation can be had only by filing a petition for review in the United States Court of Appeals within 120 days after the regulation is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 5, 1993.

ADDRESSES: For additional technical information contact Mr. Ronald P. Jordan, Office of Water, Engineering and Analysis Division (WH–552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, (202) 260–7115. For additional information on the economic or regulatory impact analyses contact Dr. Mahesh Podar at the above address or by calling (202) 260–5387.

The complete public record for this rulemaking, including EPA's responses to comments received during rulemaking, is available for review at EPA's Water Docket; 401 M Street, SW., Washington, DC, 20460. For access to Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment. The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ronald P. Jordan at (202) 260–7115.

SUPPLEMENTARY INFORMATION:

Overview

This preamble describes the legal authority, background, technical and economic basis, and other aspects of the final regulation. The abbreviations, acronyms, and other terms used in this rule are defined in appendix A to the preamble of this rule.

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I. Scope of This Rulemaking

This final regulation establishes effluent limitations guidelines and standards of performance for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category under sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (The Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987), 33 U.S.C. 1311, 1314 (b), (c), and (e), 1316, 1317, 1318 and 1361; 86 Stat. 816, Public Law 92–500; 91 Stat. 1567, Public Law 95–217; 101 Stat. 7, Public Law 100–4 ("the Act" or "CWA"). This regulation is also established in response to a Consent Decree entered on April 5, 1990 (subsequently modified on May 28, 1992) in *NRDC* v. *Reilly*, D. D.C. No. 79–3442 (JHP) and is consistent with EPA's Effluent Guidelines Plan under section 304(m) of the CWA (September 8, 1992, 57 FR 41000). This regulation is referred to as the offshore guidelines throughout this preamble.

This regulation applies to discharges from offshore oil and gas extraction facilities, including exploration, development and production operations, that are seaward of the inner boundary of the territorial seas. The inner boundary of the territorial seas is defined in section 502(8) of the CWA as "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters" (hereafter referred to as "shore"). The processes and operations which comprise the offshore oil and gas extraction subcategory (Standard Industrial Classification (SIC) Major Group 13), are currently regulated under 40 CFR part 435, subpart A. The existing effluent limitations guidelines, which were issued on April 13, 1979 (44 FR 22069), are based on the achievement of best practicable control technology currently available (BPT).

In general, BPT represents the average of the best existing performances of well known technologies and techniques for control of pollutants. BPT for the offshore subcategory limits the discharge of oil and grease in produced water to a daily maximum of 72 mg/l and a thirty day average of 48 mg/l; prohibits the discharge of free oil in deck drainage, drilling fluids, drill cuttings, and well treatment fluids; and, for sanitary wastes, requires a minimum residual chlorine content of 1 mg/l and prohibits the discharge of floating solids. BPT limitations are not being changed by this rule.

This rule establishes regulations based on best available technology economically achievable (BAT) that will result in reasonable progress toward the goal of the CWA to eliminate the discharge of all pollutants. At a minimum, BAT represents the best economically achievable performance in the industrial category or subcategory. This rule also establishes requirements based on best conventional pollutant control technology (BCT) and establishes new source performance standards (NSPS) based on the best demonstrated control technology.

Under this rule, EPA is establishing BCT, BAT and NSPS limitations prohibiting the discharge of drilling fluids and drill cuttings from wells located within three miles from shore (the inner boundary of the territorial seas). For wells located more than three miles from shore, BAT and NSPS: (1) Limit toxicity at 30,000 ppm in the suspended particulate phase; (2) limit cadmium and mercury at 3 mg/kg and 1 mg/kg, respectively, in stock barite (on a dry weight basis); (3) prohibit the discharge of diesel oil; and (4) prohibit the discharge of free oil with compliance determined by the static sheen test. BCT is limited to the control of conventional pollutants, and in this rule prohibits discharges of free oil beyond three miles from shore. All wells drilled off the Alaskan coast are excluded from the zero discharge limitation; instead, all discharges of drilling fluids and drill cuttings off Alaska must comply with the limitations on toxicity, cadmium, mercury, free oil, and diesel oil regardless of distance from shore.

Under BAT and NSPS, the discharge of oil and grease in produced water will be limited to a maximum for any one day (referred to as daily maximum) of 42 mg/l and an average of daily values for 30 consecutive days (referred to as monthly average) of 29 mg/l based on improved operating performance of gas flotation technology. BCT for produced water is being established equal to the current BPT limitations on oil and grease.

Discharges of produced sand are prohibited under BCT, BAT and NSPS. BCT, BAT and NSPS limitations for deck drainage are being set equal to the current BPT limitations prohibiting discharges of free oil. Compliance with the no discharge of free oil limit for deck drainage is to be determined by the visual sheen test.

For treatment, completion and workover fluids, the rule establishes BAT and NSPS limiting the discharge of oil and grease at a daily maximum of 42 mg/l and a monthly average of 29 mg/l. BCT for well treatment, completion and workover fluids is being set equal to the BPT prohibition on discharges of free oil (compliance by static sheen).

EPA is promulgating limitations on domestic wastes which prohibit the discharge of foam (under BAT and NSPS) and floating solids (under BCT and NSPS), and incorporate U.S. Coast Guard regulations (under BCT and NSPS) prohibiting discharges of garbage as required at 33 CFR part 151. For sanitary wastes, EPA is promulgating BCT and NSPS limitations equal to BPT limitations on floating solids and residual chlorine. EPA is not establishing BAT for sanitary wastes because no toxic or nonconventional pollutants of concern have been identified in these wastes.

II. Legal Authority and Background

This regulation is promulgated under the authority of sections 301, 304 (b), (c), and (e), 306, 307, 308, and 501 of the CWA.

The CWA establishes a comprehensive program to "restore and

maintain the chemical, physical, and biological integrity of the Nation's waters" (CWA section 101(a)). To implement the Act, EPA is to issue technology-based effluent limitations guidelines, new source performance standards and pretreatment standards for industrial dischargers. The levels of control associated with these effluent limitations guidelines and the new source performance standards for direct dischargers are summarized briefly below. Since no offshore facilities currently discharge into publicly-owned treatment works (POTWs), pretreatment standards are not included in this rule and are reserved.

A Consent Decree that was entered on April 5, 1990 (*NRDC* v. *Reilly*, D.D.C. No. 79–3442), required EPA to propose or repropose BAT and BCT effluent limitations guidelines and new source performance standards for produced water, drilling fluids and drill cuttings, well treatment fluids, and produced sand by November 16, 1990. The 1990 Consent Decree required EPA to promulgate final guidelines and standards for these wastestreams by June 19, 1992. Also, EPA was required to determine by November 16, 1990 whether effluent limitations guidelines and new source performance standards covering deck drainage and domestic and sanitary wastes were appropriate. If EPA determined that deck drainage and domestic and sanitary wastes should be regulated, then final effluent guidelines and standards covering these waste streams were to be promulgated by June 30, 1993. On May 28, 1992, the Court modified the Consent Decree to extend the date for promulgation of final effluent guidelines and standards for produced water, drilling fluids and drill cuttings, well treatment fluids, and produced sand from June 19, 1992 to January 15, 1993. EPA has determined that rules for deck drainage, domestic wastes, and sanitary wastes are appropriate and is promulgating limits for these wastestreams in this rule.

A. Best Practicable Control Technology Currently Available (BPT)

BPT limitations are generally based on the average of the best existing performance by plants of various sizes, ages, and unit processes within the point source category or subcategory.

In establishing BPT limitations, EPA considers the total cost in relation to the age of equipment and facilities involved, the processes employed, process changes required, engineering aspects of the control technologies and non-water quality environmental impacts (including energy requirements). The total cost of applying the technology is considered in relation to the effluent reduction benefits.

B. Best Available Technology Economically Achievable (BAT)

BAT limitations, in general, represent the best existing performance in the industrial subcategory or category. The Act establishes BAT as a principal national means of controlling the direct discharge of toxic and nonconventional pollutants. In arriving at BAT, EPA considers the age of the equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, the costs and economic impact of achieving such effluent reduction, non-water quality environmental impacts, and such other factors as the Administrator of EPA deems appropriate. EPA retains considerable discretion in assigning the weight to be accorded these factors.

C. Best Conventional Pollutant Control Technology (BCT)

The 1977 Amendments added section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Section 304(a)(4) of the Act designated the following as conventional pollutants: biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as an additional conventional pollutant on July 30, 1979 (44 FR 44501).

BCT is not an additional limitation, but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be established in light of a two part "cost-reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). EPA first published its methodology for carrying out the BCT analysis on August 19, 1979 (44 FR 50372).

A revised methodology for the general development of BCT limitations was proposed on October 29, 1982 (47 FR 49176), and became effective on August 22, 1986 (51 FR 24974; July 9, 1986).

D. New Source Performance Standards (NSPS)

NSPS are based on the best available demonstrated technology. New plants have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-process control and treatment technologies that reduce pollution to the maximum extent feasible. In addition, in establishing NSPS, EPA is required to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

III. Overview of the Industry

A. Exploration, Development, and Production

Exploration and development activities for the extraction of oil and gas include work necessary to locate and drill wells. Exploration activities are those operations involving the drilling of wells to determine the potential hydrocarbon reserves. Exploratory activities are usually of short duration at a given site, involve a small number of wells, and are generally conducted from mobile drilling units. Development activities involve the drilling of production wells once a hydrocarbon reserve has been discovered and delineated. These operations, in contrast to exploration activities, usually involve a large number of wells which may be drilled from either fixed or floating platforms or mobile drilling units. Production operations include all work necessary to bring hydrocarbon reserves from the producing formation and begin with the completion of each well at the end of the development phase.

B. New and Existing Sources

1. New Source Definition

The Offshore Guidelines apply to all mobile and fixed drilling (exploratory and development) and production operations. Because many oil and gas facilities are mobile (particularly exploratory and development rigs), rather than stationary facilities that are typically covered by new source performance standards (NSPS), EPA's 1985 proposal discussed at length the question of which of these facilities should be considered new sources and which should be considered existing sources under these Guidelines. 50 FR 34617–34619 (Aug. 26, 1985).

As discussed in that proposal, provisions in the NPDES regulations define "new source" (40 CFR 122.2) and establish criteria for a new source determination. (40 CFR 122.29(b)). In the 1985 proposed Offshore Guidelines, (50 FR 34592, 34617–19, Aug. 26, 1985), EPA proposed special definitions applicable to new sources in the offshore subcategory which are consistent with 40 CFR 122.29 and

which provide that 40 CFR 122.2 and 122.29(b) shall apply "Except as otherwise provided in an applicable new source performance standard." See 49 FR 38046 (Sept. 26, 1984).

Section 306(a)(2) of the CWA defines "new source" to mean "any source, the construction of which is commenced after publication of the proposed NSPS if such standards are promulgated consistent with section 306." The Act defines "source" to mean any "facility * * * from which there is or may be a discharge of pollutants" and "construction" to mean "any placement, assembly, or installation of facilities or equipment * * * at the premises where such equipment will be used."

The regulations at 40 CFR 122.2 implementing this provision state in part:

"*New Source* means any building, structure, facility, or installation from which there is or may be a 'discharge of pollutants,' the construction of which is commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or

(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal."

The regulations at 40 CFR 122.29(b)(4) state:

"(4) Construction of a new source as defined under 40 CFR 122.2 has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program:

(A) Any placement assembly, or installation of facilities or equipment; or

(B) *Significant site preparation work* including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation with a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under the paragraph." (emphasis added).

EPA has developed an interpretation of "new source" that will apply to the offshore subcategory that the Agency believes is reasonable and effectuates the intent of the CWA and EPA's regulations defining new sources generally. In the final rule, EPA intends to follow the approach first proposed in 1985, in which EPA proposed to define, for purposes of the Offshore Guidelines, "significant site preparation work" as "the process of clearing and preparing an area of the ocean floor *for purposes of constructing or placing a development or production facility on or over the site.*" (emphasis added). Thus, development and production facilities at a new site would be new sources under the Offshore Guidelines. Further, with regard to 40 CFR 122.29(b)(4)(ii), EPA stated that although it was not "proposing a special definition of this provision believing it should appropriately be a decision for the permit writer," EPA suggested that the definition of new source include development or production facilities even if the discharger entered into a contract for purchase of facilities or equipment prior to publication, if no specific site was specified in the contract. Conversely, EPA suggested that the definition of new source exclude development or production facilities if the discharger entered into a contract prior to publication and a specific site was specified in the contract. In the final rule, EPA also intends to follow this approach.

As a consequence of the proposed definition of "significant site preparation work," if "clearing or preparation of an area for development or production has occurred at a site prior to the publication of the NSPS, then subsequent development and production activities at that site would not be considered a new source." (See 50 FR 34618) Also, exploration activities at a site would not be considered significant site preparation work; therefore, exploratory wells would not be new sources in any circumstance. (50 FR 34618) Exploration operations are short term, typically lasting only three to six months (as weather and climate and drilling conditions allow), while development and production operations occur over a much longer timeframe. The Agency does not consider exploratory activities to be "significant site preparation work" because such activities are not necessarily followed by development or production activity at a site. Even when exploratory drilling leads to development and production activities, the latter may not be commenced for months or years after the exploratory drilling is completed. The purpose of distinguishing between exploratory drilling and significant site preparation for production and development operations is to "grandfather" as an existing source any source if "significant site preparation work," * * * "evidencing an intent to establish full scale [development or production] operations at a site, had been performed prior to NSPS becoming effective." (50 FR 34618) At the same time, if only exploratory drilling had occurred prior to NSPS becoming effective, then subsequent drilling and production activities would make the facility a new source.

EPA also proposed a special definition for "site" in the phrase "significant site preparation work" used in 40 CFR 122.2 and 40 CFR 122.29(b). "Site" is defined in 40 CFR 122.2 as "the land or water area where any 'facility or activity' is physically located or conducted, including adjacent land used in connection with the facility or activity." EPA proposed that the term "water area" mean the "specific geographical location where the exploration, development, or production activity is conducted, including the water column and ocean floor beneath such activities. Therefore, if a new platform is built at or moved from a different location, it will be considered a new source when placed at the new site where its oil and gas activities take place. Even if the platform is placed adjacent to an existing platform, the new platform will still be considered a 'new source,' occupying a new 'water area' and therefore a new site." [50 FR 34618 (Aug. 26, 1985)].

As a consequence of these distinctions, exploratory facilities would always be existing sources. Production and development facilities where significant site preparation has occurred prior to the effective date of the Offshore Guidelines would also be existing sources. These same production and development facilities, however, would become "new sources" under the proposed regulatory definition if they moved to a new water area to commence production or development activities. The proposed definition, however, presents a problem because even though these facilities would be "new sources" subject to NSPS, they could not be covered by an NPDES permit in the period immediately following the issuance of these regulations. This is because no existing permits could have included NSPS until NSPS were promulgated.

To resolve this problem, the final rule temporarily excludes from the definition of "new source" (pending EPA's issuance of appropriate permits covering these facilities) new development and production facilities that would otherwise be "new sources" if, as of the effective date of the Offshore Guidelines, the facilities are subject to an existing NPDES permit. EPA believes this approach is reasonable because when Congress enacted section 306 of the CWA it did not specifically address

mobile activities of the sort common in this industry, as distinguished from activities at stationary facilities on land that had not yet been constructed prior to the effective date of applicable NSPS. Moreover, EPA believes that Congress did not intend that the promulgation of NSPS would result in stopping all oil and gas activities which would have been authorized under existing NPDES permits as soon as the NSPS are promulgated.

While the situation of mobile oil and gas facilities is rather unique, EPA faced a similar issue in its effluent limitations guidelines for the placer mining industry. Placer mines are also mobile, generally moving downstream or upstream. In that effluent guideline, 40 CFR 440.144(c), EPA set forth a number of factors that the Regional Administrator or Director of a state program with authority to administer the NPDES program should take into account in making a case-by-case determination of whether a placer mine constitutes a "new source." Three of these factors relate to whether the mine would operate in an area which is covered by a valid NPDES permit. (Another factor was whether the mine significantly alters the quantity or nature of pollutants discharged.) The United States Court of Appeals for the Ninth Circuit upheld this approach. "We find that the criteria set forth on what is a new-source placer mine are within the ambit of authority which Congress gave the EPA in the Clean Water Act and cannot be considered arbitrary or capricious." *Rybachek* v. *U.S. E.P.A.*, 904 F.2d 1276, 1293 (9th Cir. 1990).

Now that NSPS are promulgated, EPA will apply NSPS to appropriate facilities (i.e., those where there is significant site preparation work for development or production after promulgation of NSPS) within the Offshore Subcategory. EPA notes that BAT limitations are equal to NSPS in this rule. EPA intends to issue new source NPDES permits covering production and development facilities as soon as possible.

2. Industry Profile

Existing Platforms (BAT/BCT): EPA's industry profile estimates include structures that would incur costs under this rule. The estimate of existing structures includes only those platforms (1) in production, (2) with specific products (i.e., oil, gas, or both), (3) with a specific number of wells drilled or in production, (4) discharging, and (5) in the offshore subcategory. Two major sources of data were used to develop a profile of offshore oil and gas activities in the Gulf of Mexico (GOM). In the March 1991 proposal, EPA used the "Minerals Management Service (MMS) Platform Inspection System, Complex/Structure Data Base" to estimate the number of structures in the federal waters of the Gulf of Mexico that are likely to bear compliance costs under this rule. This estimate of 2,233 existing structures in the Gulf of Mexico (GOM) federal waters remains unchanged. A limitation of the March 1991 profile was that it lacked sufficient data regarding activities in state waters of the GOM. To fill this data gap and in response to comments received, EPA conducted a mapping effort to identify structures in production in state waters. Using maps and electronic data, EPA (1) identified wells whose well-head location lay seaward of the baseline that separates the coastal and offshore subcategories; (2) identified wells belonging to common platforms; and (3) verified which wells were still in production. As a result of this effort to update the industry profile, an additional 284 structures were identified in GOM state waters. For the Pacific, 32 structures are included in the BAT/BCT count of existing structures. There are no structures in the Atlantic at this time. Structures off Alaska in Cook Inlet are in the coastal subcategory and are not affected by this rulemaking. Currently, there is only one existing facility in Alaskan waters that is seaward of the inner boundary of the territorial seas. This facility is already required by State requirements to reinject produced water and incremental compliance costs associated with this rule are minimal. No existing Alaskan structures are projected to incur significant incremental compliance costs under this rule. A total of 2,549 offshore structures is used in the BAT/BCT economic impact analysis.

Future Drilling Projections (BAT/BCT and NSPS): Offshore drilling efforts vary from year to year depending on such factors as the price and supply of oil, the amount of state and federal leasing, and reservoir discoveries. EPA estimates future drilling activity averaging 759 wells per year during the 15-year period, from 1993–2007, after promulgation of this regulation. Estimated activity in the Gulf of Mexico and Alaska are based on MMS 30-year regionalized forecasts with an average barrel of oil equivalent (BOE) price of $21/bbl (1986 dollars) for the 15-year period. The drilling projections presented in the 1991 proposal for the Gulf of Mexico and Alaska were based on a 1986–2000 time frame. Moving the starting year forward for the 15-year period, from 1986 to 1993, resulted in about a three percent change in the number of wells from the original set of projections (i.e., slightly higher if based on the year 1990, slightly lower for projections beginning in 1993). Because the projection of estimated future activity does not change significantly by starting in 1992 rather than in 1986, EPA is using its projections beginning in 1986. Recent Presidential moratoria have prevented offshore activities in certain areas in the Eastern Gulf of Mexico, but this is not expected to cause a significant change in the regional estimate of future activity.

Recent moratoria and restricted leasing in the Pacific constrain drilling estimates to the level of activity associated with drilling on installed structures and existing leases. Due to the Presidential decision to cancel lease sale 96 (Georges Bank region in the North Atlantic) and strictly limit any activity in this planning area until after the year 2000, no activity is projected for the Atlantic during the 1986–2000 time period. (EPA is aware of one site off the coast of North Carolina where an operator has expressed interest in drilling.) EPA anticipates that these restrictions will remain applicable until after the year 2007. This set of projections corresponds to the "restricted" or "constrained" well forecast presented in the March 1991 proposal.

The projection of 759 wells drilled per year includes all new well—productive, non-productive (dry holes), exploratory, and development. The new well projections therefore include both BAT and NSPS wells. As explained above, BAT wells encompass exploratory wells in addition to development and production wells for which significant site preparation takes place prior to promulgation of the regulation. NSPS wells are drilled on platforms where significant site preparation and installation take place after promulgation of the regulation. Table 1 is a summary of the BAT and NSPS wells by region. Approximately one-third of the new wells may be considered existing sources. (The actual percentage of wells classified as existing sources will vary in time. Most will be exploratory efforts. The number of new wells drilled on existing platforms will decrease in time as those platforms complete their drilling programs. The numbers given in Table 1 reflect the annual average number of wells during the 15-year period following promulgation of the regulation.)

TABLE 1.—AVERAGE ANNUAL NEW WELL DRILLING
[wells/year]

Region	Existing sources (BAT)	New sources (NSPS)	Total
Gulf	215	500	715
Pacific	32	0	32
Alaska	3	9	12
Total ..	250	509	759

New Platforms: Platform projections were made based on the number of productive wells. An estimated total of 759 platforms will be installed during the 15-year period after promulgation of the regulation. The fact that the estimated average annual number of wells (759) is the same as the total number of platforms (759) installed during the 15-year period is coincidental.

C. Waste Streams

The primary wastewater sources from the exploration and development phases of the offshore oil and gas extraction industry include the following:

- Drilling fluids.
- Drill cuttings.
- Sanitary wastes.
- Deck drainage.
- Domestic wastes.

The primary wastewater sources from the production phase of the industry include the following:

- Produced water.
- Produced sand.
- Sanitary wastes.
- Deck drainage.
- Domestic wastes.
- Well treatment, completion and workover fluids.

Drilling fluids (typically termed muds) and drill cuttings are the most significant waste streams from exploratory and development operations in terms both of volume and toxic pollutants. Produced water is the largest waste stream from production activities based on its volume of discharge and quantity of pollutants. Deck drainage, sanitary wastes, domestic wastes, produced sand, and well treatment, completion, and workover fluids are often classified under the term miscellaneous wastes.

Drilling fluids are any fluid sent down the drillhole to aid the drilling process. This includes those materials used to maintain hydrostatic pressure control in the well, lubricate the drill bit, remove drill cuttings from the well, and stabilize the walls of the well during drilling or workover operations. A water-based drilling fluid is the conventional drilling system in which water is the continuous phase. Drill cuttings are the solids generated by drilling into subsurface geologic formations and are carried to the surface by the drilling fluid system.

Produced water is brought up from the hydrocarbon-bearing strata along with produced oil and gas. This waste stream can include formation water, injection water, and any chemicals (including well treatment, completion or workover fluids) added downhole or during the oil/water separation process.

Deck drainage includes all wastewater resulting from platform washings, deck washings, rainwater, and runoff from curbs, gutters, and drains including drip pans and work areas.

Well treatment fluids are fluids that resurface from acidizing and/or hydraulic fracturing operations to improve hydrocarbon recovery. Workover fluids and completion fluids are low solids fluids used to prepare a well for production, provide hydrostatic control, and/or prevent formation damage.

Produced sand consists of the slurried particles which surface from hydraulic fracturing and the accumulated formation sands and other particles (including scale) generated during production. This waste stream also includes sludges generated in the produced water treatment system, such as tank bottoms from oil/water separators and solids removed in filtration.

Sanitary wastes originate from toilets. Domestic wastes originate from sinks, showers, laundries, and galleys.

EPA presented detailed discussions of the origins and characteristics of the wastewater effluents from exploration, development, and production in the March 13, 1991 proposal. EPA generally focused data gathering efforts and data analyses on drilling fluids, drill cuttings, and produced water due to their volumes and potential toxicity. Information on the miscellaneous wastes is more limited. Their volumes are generally smaller, and in most cases are either infrequently discharged or are commingled with the major waste streams. However, EPA has determined that it is appropriate to promulgate regulations for miscellaneous wastes as well.

IV. Development of the Final Regulation

On September 15, 1975, EPA promulgated interim final BPT effluent limitations guidelines (40 FR 42543) and proposed BAT and NSPS regulations (40 FR 42572) for the offshore subcategory of the oil and gas extraction point source category ("offshore subcategory"). EPA promulgated final BPT regulations on April 13, 1979 (44 FR 22069), but deferred action on the BAT and NSPS regulations. Table 2 presents the 1979 BPT limitations.

The Natural Resources Defense Council (NRDC) filed suit on December 29, 1979 seeking an order to compel the Administrator to promulgate final NSPS for the offshore subcategory. In settlement of the action (*NRDC* v. *Costle*, C.A. No. 79–3442 (D. D.C.)(JHP)), EPA acknowledged the statutory requirement and agreed to take steps to issue such standards. However, because of the length of time that had passed since proposal, EPA believed that examination of additional data and reproposal were necessary. Consequently, EPA withdrew the proposed NSPS on August 22, 1980 (45 FR 56115). The proposed BAT regulations were withdrawn on March 19, 1981 (46 FR 17567).

On August 26, 1985 (50 FR 34592) EPA proposed BAT and BCT effluent limitations guidelines and new source performance standards for the offshore subcategory. The 1985 proposal also included an amendment to the BPT definition of "no discharge of free oil." The waste streams covered by the 1985 proposal were drilling fluids, drill cuttings, produced water, deck drainage, well treatment fluids, produced sand, and sanitary and domestic wastes.

TABLE 2.—BPT EFFLUENT LIMITATIONS (PROMULGATED 1979)

Waste stream	Parameter	BPT effluent limitation
Produced water	Oil and grease	72 mg/l daily maximum.
	.....	48 mg/l 30-day average.
Drilling fluids	Free oil	No discharge.
Drill cuttings	Free oil	No discharge.
Well treatment fluids	Free oil	No discharge.
Deck drainage ..	Free oil	No discharge.
Sanitary-M10	Residual chlorine.	1 mg/L (minimum.)
Sanitary-M9IM ..	Floating solids .	No discharge.

On October 21, 1988, EPA issued a Notice of Data Availability (53 FR 41356) concerning the development of NSPS, BAT, and BCT regulations for the drilling fluids and drill cuttings waste streams (the "1988 notice"). The 1988 notice presented substantial additional and revised technical, cost, economic, and environmental effects information which EPA collected after publication of the 1985 proposal. EPA presented new information regarding the diesel oil prohibition and the toxicity limitation, and new compliance costing and economic analysis results based on new profile data and treatment and control

option development. The new control technologies discussed were based on thermal distillation, thermal oxidation, and solvent extraction. Performance data for these technologies were also included. In addition, EPA proposed requirements for limitations on metals content in the stock barite based on the use of existing barite supplies, or alternatively in the drilling fluids (whole fluid basis) at the point of discharge.

On January 9, 1989, EPA published a Correction to Notice of Data Availability (54 FR 634) concerning the analytical method for the measurement of oil content and diesel oil. The 1988 notice had inadvertently published an incomplete version of that method.

On November 26, 1990, EPA published a notice and a reproposal (55 FR 49094) that presented the major BCT, BAT, and NSPS regulatory options under consideration for control of drilling fluids, drill cuttings, produced water, deck drainage, produced sand, domestic and sanitary wastes, and well treatment, completion, and workover fluids. On March 13, 1991 (56 FR 10664), EPA published a second notice proposing BAT, BCT, and NSPS limitations and standards for the offshore subcategory. The regulatory options presented were the same as those proposed on November 26, 1990 with the exception of deleting a requirement under NSPS which prohibited the discharge of visible foam from the sanitary wastestream (the requirement had been inadvertently included in the November 1990 proposal).

The 1990 and 1991 proposals did not supersede the 1985 proposal entirely. Rather, they revised the 1985 proposal in certain areas. The revisions were based on new data and information acquired by EPA since the 1985 proposal regarding waste characterization, treatment technologies, industrial practices, industry profiles, analytical methods, environmental effects, costs, and economic impacts. Some of this new information regarding drilling wastes had been published in a Notice of Data Availability (53 FR 41356) (October 21, 1988). This new information led EPA to develop additional regulatory options to those proposed in 1985.

On April 5, 1991 (56 FR 14049) EPA published notification of public workshops for the guidelines proposed on March 13, 1991, and extended the comment period for the proposed rule. The comment period for the majority of the rule was extended by 30 days. The comment period for membrane filtration and radioactivity issues was extended by 60 days, and ended on June 11, 1991.

The Consent Decree was again revised on May 28, 1992. Under this modification, the date for promulgation of the final effluent limitations guidelines and standards (BCT, BAT, and NSPS) for produced water, drilling fluids and drill cuttings, well treatment fluids, and produced sand wastestreams was extended from June 19, 1992 to January 15, 1993.

Ocean discharge criteria applicable to this industry subcategory were promulgated on October 3, 1980 (45 FR 65942) under section 403(c) of the Act. These guidelines are to be used in making site-specific assessments of the impacts of discharges. Section 403 limitations are imposed through section 402 National Pollutant Discharge Elimination System (NPDES) permits. Section 403 is intended to prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal.

In addition, EPA has issued a series of general NPDES permits that set BAT and BCT limitations applicable to sources in the offshore subcategory on a "Best Professional Judgment (BPJ) basis under section 402(a)(1) of the Clean Water Act. See e.g., 57 FR 54642 (November 19, 1992) (Western Gulf of Mexico OCS General Permit); 51 FR 24897 (July 9, 1986), (Gulf of Mexico OCS General Permit); 49 FR 23734 (June 7, 1984), modified 52 FR 30481 (September 29, 1987) (Bering and Beaufort Seas General Permit); 50 FR 23570 (June 4, 1985) (Norton Sound General Permit); 51 FR 35400 (October 3, 1986) (Cook Inlet/Gulf of Alaska General Permit); 53 FR 37840 (September 20, 1988), modified 54 FR 39574 (September 27, 1989) (Beaufort Sea II/Chukchi Sea General Permits). The rulemaking record for this final rule includes copies of the most significant **Federal Register** notices proposing these general permits and issuing them in final form.

The Gulf of Mexico General Permit was challenged by industry and an environmental group. *Natural Resources Defense Council* v. *EPA*, 863 F.2d 1420 (9th Cir. 1988). The Bering and Beaufort Sea General Permits were the subject of industry challenge. *American Petroleum Institute* v. *EPA*, 965 F.2d (5th Cir. 1986); later opinion following partial remand, 858 F.2d 261, (5th Cir. 1988); clarified and rehearing denied, 864 F.2d 1156 (5th Cir. 1989). Copies of these decisions are also included in the rulemaking record.

V. Major Changes to the Data Base for the Final Regulation

This section describes several of the most significant changes to the methodology and data base which have occurred since the proposals. Other areas of change and issues are discussed in other sections of this preamble, the Development Document, the Economic Impact Analysis, the Regulatory Impact Analysis, and the record for this rule.

A. Drilling Fluids and Drill Cuttings

1. Engineering Costs

a. *BAT and NSPS Costing Methodology.* The costing methodology for the final rule is based on the costing methodology presented in the March 13, 1991 proposal. However, EPA improved the database and sought additional confirmatory data in response to comments on the proposal. As discussed in the March 1991 proposal, EPA created a database and computer models to generate regionalized costing estimates for the handling and ultimate disposal of spent drilling fluids and drill cuttings. The database consists of the following elements:

- Projections of the number of wells that will be drilled over the next 15-year period in each geographic region.
- Characteristics of a "model well" describing average values for parameters such as well depth, volume of waste associated with drilling activity, use of additives to aid in drilling, and length of time to drill a well.
- Characteristics of drilling wastes, specifying pollutant concentration and physical properties of the waste specific to certain drilling scenarios.
- Failure rates of drilling wastes with respect to compliance tests for certain discharge limitations (e.g., static sheen, toxicity).
- Compliance costs, including analytical costs and disposal costs for transportation and land disposal of drilling wastes.

The data were entered into the computer models designed to predict regionalized compliance costs and pollutant removals for the various regulatory options considered. An analysis of each option was conducted to determine:

- Number of wells affected
- Cost incurred by industry to comply with the regulation
- Volume and percent of drilling waste requiring onshore disposal
- Direct and incidental pollutant removal

No distinction was made between the BAT and NSPS wells for compliance costing because of the negligible differential in drilling fluids and drill

cuttings compliance costs between a new well drilled as an existing source and one drilled as a new source. For BAT and NSPS, the computer models identified costs and pollutant removals which were incremental beyond what was required for "current" levels of control. Current control levels reflected existing NPDES permit requirements that EPA considered representative of control measures in practice. The current requirements were (and are) often more stringent than BPT.

b. *Costing Assumptions.* In projecting compliance costs, EPA made several assumptions about the current drilling practices to characterize the industry. These assumptions were based on Agency-sponsored analyses, industry-sponsored analyses, and public comments from previously published proposals or notices of data availability. Several assumptions presented in the rulemaking record as part of the March 13, 1991 proposal have been updated due to further investigation by EPA or through submission of additional data in public comments. EPA's reevaluation of costing assumptions has led to a reduction in barite usage volumes, barite substitution costs, onshore disposal volumes, and onshore disposal costs. The following paragraphs discuss the manner in which assumptions presented in previous costing estimates have been revised for the final rule.

The estimated volume of drilling fluids and drill cuttings generated have changed slightly due to revisions in calculations of: the average well depth, the deep well depth, and the percentage of wells greater than the average well depth. The determination of the volumes of drilling fluids and drill cuttings generated is still based on data and the methodology presented by the Offshore Operators Committee report entitled "Alternate Disposal Methods for Muds and Cuttings: Gulf of Mexico and Georges Bank," December 7, 1981. EPA revised the average model well depths, the deep well depths, and the percentage of wells greater than the average well depth to include well depth data from the API Joint Association Survey on Drilling Costs for a period of five years. The well depth data used for the March 1991 proposal was based on one year of data. The revised average well depths for the model wells are as follows: 10,559 feet in the Gulf of Mexico, 7,607 feet offshore California, and 10,633 feet offshore Alaska.

Since deep wells (those greater than 10,000 feet in depth) require larger bore holes and thus generate greater waste volumes, it is important to consider the frequency of drilling deep wells. Industry drilling data were used to revise estimates of the typical deep well depths as follows: 13,037 feet in the Gulf of Mexico, 10,081 feet offshore California, and 12,354 feet offshore Alaska. The proportion of wells drilled deeper than 10,000 feet was also revised. At proposal, EPA assumed that 30.8% of all wells would be deeper than 10,000 feet and that percentage was used for all regions. Based on data evaluated for this final rule, EPA revised estimates of the proportion of deep wells as follows: 49 percent in the Gulf of Mexico, 42 percent off California, and 59 percent off Alaska. At proposal, EPA used the waste volumes generated by model wells to estimate onshore disposal requirements. In reassessing these estimates, EPA made a distinction between the waste volumes generated from model wells and deep wells to more accurately characterize pollutant removals and onshore disposal requirements.

In the March 1991 proposal, EPA assumed that all deep wells used a mineral oil-based drilling fluid for that footage drilled deeper than 10,000 feet. Several industry commenters and a trade association stated that fifteen percent (15%) is a more representative estimation of the oil-based mud usage for deep well projects, and provided EPA with recent data on usage of oil-based drilling fluids. Upon review of this data, EPA revised its computer model to assume fifteen percent of all wells drilled deeper than 10,000 feet would utilize an oil-based drilling fluid. The application of this assumption projects a lower volume of drilling waste requiring onshore disposal. The previous estimates assumed that all drilling wastes generated deeper than 10,000 feet would require onshore proposal due to noncompliance with the free oil and toxicity limitations. However, the decrease in onshore disposal volumes based on new information is offset by the new information about greater numbers of deep wells and greater volumes from deep wells due to larger bore hole diameters.

Since proposal, EPA also revised its assumptions about the characteristics of the type of drilling fluids (or "muds") used, e.g., density of drilling fluids. In evaluating comments which disputed pollutant removal estimates for drilling wastes, EPA revised its assumptions about the mud compositions. The methodology used in the proposal attempted to characterize the drilling fluids used in different portions of the well based on drilling depth, lubricity, and type of mud (water-based or oil-based). In the March 1991 proposal, EPA made assumptions regarding barite use which were equivalent to the barite concentration in a relatively high density (18 pound per gallon) drilling fluid. Since proposal, EPA has learned that such high density drilling fluids are generally used only at deep well depths or for unusual circumstances, and they are not considered representative of the mud systems typically used in offshore drilling projects. Also, EPA's reevaluation of the metals loadings derived from the previous mud compositions revealed incomplete mass balances with the barite volumes in the muds and the barium concentrations in the metals database. (In other words, the amount of barite in drilling fluids did not correspond to the measured barium concentrations in the discharge of drilling fluids and drill cuttings.) To alleviate these inconsistencies, to simplify the costing model, and to characterize more accurately the drilling fluids used by the industry, EPA revised the estimated mud compositions to that of a drilling fluid with an average density of 11 pounds per gallon (ppg) based on a review of discharge monitoring report data and communications with industry sources. EPA considers the 11 ppg mud to be representative of a typical drilling program that includes low density muds used for the initial stages of drilling, and the medium to heavy density muds used towards completion at the bottom of the well. The net result of this revised assumption is a reduction in estimates of barite usage, barite substitution costs, and pollutant removals for the drilling fluids and drill cuttings.

In concert with revising the drilling fluid composition, EPA revised the data characterizing the metals content in barite to more closely represent the composition of a typical drilling fluid. Barite is used as a weighting agent to assist in controlling downhole pressure. EPA derived updated metals concentrations in drilling fluids from a statistical analysis of the API/USEPA Metals Database. This database, from several sampling programs conducted by EPA and the industry, contains end-of-pipe metals concentrations in drilling fluids. EPA presented these data in the rulemaking record for the March 13, 1991 proposal. The metals data set includes additional elements that EPA determined to be of significant occurrence, concentration and toxicity. In addition to the priority pollutants presented in 56 FR 10699, EPA estimated removals for aluminum, iron, tin, and titanium.

The revised costing estimates also include updated regionalized onshore disposal costs. The onshore disposal

costs presented in the March 1991 proposal consisted of one set of disposal costs for all geographical regions. In the reevaluation of the costing assumptions, EPA distinguished between costs for various geographic regions, namely the Gulf of Mexico, California, and Alaska.

Additional requirements placed on OCS sources under the recently promulgated air regulations for OCS sources (57 FR 40792; September 4, 1992) were considered in developing compliance costs for this rule. Emissions offset costs were calculated for all wells drilled off California, since this OCS planning area is adjacent to an onshore nonattainment area. Offset costs are assumed to be an annual expense and are included in the annual costs for the drilling fluids and drill cuttings options. Offset costs were calculated for nitrogen oxide and hydrocarbon emissions were calculated for this regulation based on annual costs of $15,000 per ton of nitrogen dioxide and $5,000 per ton of hydrocarbons.

2. Drilling Waste Pollutant Loadings

In projecting pollutant reductions resulting from this rule, EPA used an expanded data set some of which, although included in the rulemaking record at proposal, had been received too late to be included in the pollutant loadings analysis related to the metals content in drilling fluids. The updated metals concentrations were derived from a statistical analysis of the API/USEPA Metals Database. These data were obtained from several sampling programs sponsored by EPA and industry and represent end-of-pipe metals concentrations of drilling fluids. In addition to the priority pollutants used in loadings for the proposal, the pollutant loadings used for the final rule include aluminum, iron, tin, and titanium.

EPA also updated the pollutant loading estimates for drill cuttings. In the proposal, EPA based its loadings on estimates of barite concentration in the drill cuttings. In evaluating loadings for the final rule, EPA determined that previous estimates of 88 pounds of barite per barrel of drill cuttings were overestimates. The revised pollutant loading estimates for drill cuttings in this rule are based on the pollutants present in the drilling fluid adhering to the cuttings. Five percent, by volume, of drilling fluid adheres to drill cuttings after separation.

EPA's revision of the assumptions on drilling fluid composition also reduced estimates of the total suspended solid (TSS) content of the drilling fluids. The TSS concentration of the average drilling fluid density (11 ppg) serving as the basis for the projections for this rule is less than that of the higher density drilling fluid previously modeled in the 1991 proposal.

B. Produced Water

1. Gas Flotation Performance

EPA received additional data on performance of gas flotation technology in response to the 1991 proposal. The improved gas flotation technology basis for the produced water limitations considered for this final rule includes upstream gravity separation and chemical addition. This section summarizes these additional data and EPA's analysis, and presents limitations based on EPA's analysis.

Data available for this analysis included those collected for the EPA's 30 Platform Study (1981), the Offshore Operators Committee's (OOC) 42 Platform Study (1990), the OOC's 83 Platform Composite Study (1991), and EPA's "Oil Content in Produced Brine on Ten Louisiana Production Platforms" (1981).

For the EPA's 30 Platform Study, OOC member platforms were selected based on characteristics such as wide geographical distribution, type of production, ownership of the facility, and other non-random considerations. Seven of these thirty platforms used gravity separation and chemical addition followed by gas flotation to treat their produced water. All oil and grease measurements were made using EPA Method 413.1, a process for measuring total oil and grease. Grab samples of influent and effluent were measured.

For the OOC's 42 Platform Study, OOC member platforms were selected. The study was statistically designed to estimate within-process variation and laboratory variation. However, the sampling procedures used in the study inflate the estimated laboratory variation with some sampling variation. Total oil and grease measurements were made using Method 413.1. Grab samples of effluent were taken according to a balanced statistical design.

For the OOC's 83 Platform Composite Study, data from four studies were combined. These four studies include EPA's 30 Platform Study, OOC's 42 Platform Study, OOC's 10 Platform Database, and OOC's 12 Platform Refrigeration Study. The two additional OOC studies were designed in a fashion similar to that used for OOC's 42 Platform Study. All of the platforms in the OOC studies are described as conforming to specifications, operating properly, and adding chemicals as needed. All oil and grease measurements considered here were performed using Method 413.1 on grab samples of effluent. Again, the sampling procedures used inflate the laboratory variation estimate with some sampling variation.

For the EPA's "Oil Content in Produced Brine on Ten Louisiana Production Platforms," platforms were selected based on size, technology differences, and availability of living and working space. Grab samples of influent and effluent were measured for oil and grease by early methods for total oil and grease, insoluble oil and grease, and soluble oil and grease. Detailed information regarding the treatment system is summarized in the study report. Samples were taken according to a balanced statistical design.

All available oil and grease data for improved gas flotation, as measured by Method 413.1 were considered in establishing the limitations in the final rule. After screening platforms for compliance with current BPT limitations, EPA applied statistical methods to the data in order to calculate the long-term average concentration of oil and grease for use as the basis of the limitations. Then EPA calculated percentiles which express the relationship between the long-term average performance and the variability to be expected at a well-designed, operated, and maintained platform. The daily maximum limitation is set such that there is a 99 percent probability that a physical composite sample taken from the median performing platform will have total oil and grease measurements less than or equal to that concentration. Each physical composite is composed of four grab samples taken during a single day. The monthly average limitation is set such that there is a 95 percent probability that a monthly average of physical composite samples taken from the median performing platform will have total oil and grease measurements less than or equal to that concentration. The monthly average is the arithmetic average of four physical composite sample results collected during the same month (during a 30 day consecutive period). These percentiles correspond to large effluent values that would rarely be exceeded by a well-operated treatment system and represents levels that are achievable at all times under normal operating conditions.

The daily maximum limitation for total oil and grease not to be exceeded is a concentration of 42 mg/l and the monthly average limitation not to be exceeded is a concentration of 29 mg/l. Note that the addition of new data and

the modification of the methodology for approximating percentiles for composite samples measurements based on grab sample measurements, each done in response to comments, has not greatly changed the Agency's estimate of what limitations would be appropriate based on this technology. In the 1991 proposal, EPA presented a daily maximum limitation of 38 mg/l and monthly average limitation of 27 mg/l based on this technology.

2. Produced Water Engineering Costs

The costing methodology for produced water in the final rule is the same as the methodology for produced water presented in the March 13, 1991 proposal. However, EPA made several changes to the database due to comments on the proposal and after EPA conducted further analysis of the industry. As discussed in the proposal, EPA created a database and developed computer models to generate regionalized costing estimates for the treatment and disposal of produced water. The database consisted of the following elements:

- Industry profile data on the number and type of platforms and produced water discharge rates.
- Projected future production activity.
- Produced water contaminant effluent levels associated with BPT treatment and with BAT and NSPS treatment options.
- Cost to implement the BAT and NSPS treatment technology options.

Using the data and the computer models, EPA predicted regionalized compliance costs and pollutant removals for the various regulatory options as defined in section XIII of this Notice. These options are comprised of three potential treatment technologies for BAT and NSPS; the three treatment technologies are:

- Improved operating performance of gas flotation technology.
- Granular filtration and subsequent surface water discharge.
- Granular filtration followed by reinjection of the produced water into any compatible geologic formation.

Similar to the costing methodology for the proposal, the per-platform capital costs for the treatment equipment and the associated annual operating, maintenance and monitoring costs (annual costs) were developed for modeled treatment systems with design capacities of 200 barrels per day (bpd), 1,000 bpd, 5,000 bpd, 10,000 bpd, and 40,000 bpd of produced water. EPA derived costs for these systems based on vendor-supplied data, industry information, and cost analyses conducted by the Energy Information Administration of the Department of Energy (DOE/EIA). Curves depicting flow rate versus cost were generated to estimate the capital and annual costs for treatment systems with capacities other than the five modeled systems for which cost data were collected.

EPA calculated total industry costs for each treatment option using the per-platform capital and annual costs and industry profiles of current and projected future production activity in three geographical offshore areas, the Gulf of Mexico, California, and Alaska. EPA did not develop specific industry costs for the Atlantic offshore areas, including Florida, because of the lack of oil and gas leasing and development in these areas. However, the costs in these regions are considered similar to those developed for offshore California because conditions in these areas are more analogous to California than to the Gulf. Because of the extensive amount of activity in the Gulf of Mexico, costs of offshore operations in the Gulf are somewhat lower than in California. EPA expects that the amount of any future activity in the Atlantic or off the coast of Florida will, at most, approach the amount of activity in California rather than the amount of activity in the Gulf. Accordingly, EPA projects that costs for California are more appropriate for projecting costs in these other areas.

For each geographical area, EPA characterized the industry as a population consisting of various platform structure types, or model platforms. A model platform was characterized by the number of available well slots on the platform. Each producing well is brought to the wellhead on the platform through a dedicated well slot. The number of well slots on a platform indicates the maximum number of producing wells. The model platforms were further subdivided based on whether they produced: (1) Oil only; (2) both oil and gas; or (3) gas only.

For each "model platform," EPA estimated the number of producing wells, the quantity of produced water generated (average and peak flow), and the cost to implement a produced water treatment system. Thus, by dividing the industry among these "model platforms," EPA derived estimates of costs and pollutant reductions.

EPA determined contaminant removals by comparing the estimated effluent levels after treatment by the BAT and NSPS treatment systems versus the effluent levels associated with a typical BPT treatment.

The computer model calculated the capital costs for each model platform in each region based on the maximum daily produced water flow rate for the given platform. The maximum daily flow rate for each modeled platform determined the required capacity of the treatment system. Interpolating along the "capital cost-flowrate" curve developed for the five modeled treatment systems, EPA determined the capital costs for each of the model platforms.

The computer model calculated the annual costs for each model platform in each region based on the average daily produced water flow rate for the given platform. The average daily flow rate for each modeled platform was used to determine the annual costs. Interpolating along the "annual cost-flowrate" curve developed for the five modeled treatment systems, EPA determined the annual costs for each of the model platforms.

a. *Gas Flotation System Capital and Annual Costs.* EPA developed gas flotation equipment costs based on direct contact with vendors and manufacturers of offshore gas flotation equipment. The packaged equipment costs are the costs for the complete gas flotation system which includes the following: a skid-mounted flotation unit, complete electrical system, oil and water outlets brought to the edge of the skid, and sufficient instrumentation for proper operation.

EPA based gas flotation space requirements on information provided by vendors and manufacturers of offshore gas flotation equipment. Some existing (BAT) platforms could incur costs for additional space such as a cantilevered deck. A cantilevered deck or wing deck can be added along one side of a platform to increase the total square footage of the platform deck. For example, a one hundred foot long cantilevered deck that extends ten feet from the edge of the existing platform deck would add one thousand square feet to the platform deck. EPA estimated the cost of additional platform space at $250 per square foot based on information obtained from industry and the Department of Energy. The actual areas required by the gas flotation systems were estimated to be twice the area of the process equipment "footprints" that were furnished by the vendors. The additional area includes sufficient space for any additional process equipment, instrumentation, and walkways. For the NSPS scenario, because new facilities can include the gas flotation equipment in the design of the platform, EPA determined that no additional platform space, such as a cantilevered deck, would be required. (In cases where new sources would be

platforms that exist as of the effective date of the offshore guidelines, the cost of adding platform space has been accounted for in costing the BAT limitations for existing sources.) This methodology is identical to that presented in the proposal for other produced water treatment systems.

The annual operating and maintenance costs for the gas flotation treatment systems included energy costs, labor costs, and typical operating and maintenance costs such as polymer and/or flocculation enhancement chemicals or costs for pump and agitator maintenance and replacement.

b. *Granular Filtration Capital and Annual Costs.* The basis for the granular filtration costing is similar to that of the March 13, 1991 proposal. EPA contacted the DOE/EIA to assist in reevaluating the capital and annual costs for granular filtration systems developed for the proposal. EPA used information provided by DOE/EIA, as well as additional data collected by EPA, to update cost projections for granular filtration systems.

In revising costs, EPA no longer includes capital costs for chemical storage or electrical generators. Capital costs associated with the actual chemical injection system are included in the filtration system capital costs. Storage of chemicals is included as an annual cost. The revised costs also exclude previous cost projections for extra generators to provide power to operate treatment system modifications. The power requirements for the filtration system (approximately 30 horsepower) are minimal in comparison to the electrical generation capacity available on platforms and the existing generation capacity is considered adequate for this minimal power requirement increase. The revised costing now includes capital costs for a centrifuge to dewater the filter backwash. Backwash dewatering is necessary to minimize the space required to store the backwash and minimize the transportation and onshore disposal costs.

The revised costing assumes that additional deck space could be added to the platform for systems treating up to 40,000 barrels of produced water per day. This is based on data showing that filtration systems treating up to this volume could be installed in areas of less than 1,000 square feet. One thousand (1,000) square feet is assumed to be the largest area that can be added to a platform as a cantilevered deck. The costing presented in the March 1991 proposal had assumed that all filtration systems processing over 5,000 barrels per day (bpd) would have area requirements exceeding 1,000 square feet and thus would require construction of additional platform structures. EPA recalculated the area requirements for this final rule in consultation with DOE/EIA. Filtration systems treating more than 40,000 bpd are still considered to exceed the available space on the platform (including additional capacity from a deck addition), thus construction of a separate platform structure would be required.

c. *Reinjection Capital and Annual Costs.* Part of the basis for the reinjection costing methodology is similar to that of the granular filtration option since filtration of the produced water is typically necessary prior to reinjection. Without this pretreatment, fine solids can plug the pores of the formation, decreasing the capacity of the formation, thus preventing the reinjection of the produced water. For this costing estimation, EPA assumed that multi-media filtration would be the pre-treatment filtration technology used.

The capital costs for pumps and injection wells were revised to represent new data obtained by EPA. The DOE/EIA developed capital costs for gas turbine injection pumps which reflect more recent (1991) cost data and are slightly lower than the costs presented in the proposal. Injection well costs were revised based on data submitted with industry comments. The costs for new injection wells remained approximately the same as those presented in the proposal, but the costs to recomplete an existing dry hole changed significantly. The revised recompletion costs increased from $240,000 per well to $675,000 per well.

The revised capital costs for the reinjection option also do not include additional costs for electrical generators. Where facilities reinject, gas-powered, rather than electrical, injection pumps are generally used. Also, construction of separate platform structures to contain produced water treatment system modifications are not anticipated unless the system processes over 40,000 barrels per day of produced water. Based on EPA calculations made in consultation with DOE/EIA, area requirements for injection systems treating less than 40,000 bpd are less than 1,000 square feet and can be met by constructing platform additions such as cantilevered decks.

d. *Regional and Total Industry Costs.* The regional costs were calculated based on the per-platform capital and annual costs and the number of platforms within each geographical region. For the purposes of determining produced water compliance costs for this rule, EPA assumed that all newly installed production and development platforms would be new sources. EPA was unable to determine the extent to which existing platforms would be used to develop new hydrocarbon reserves. While an existing platform moved to a new location for development or production would also be classified as a new source, compliance costs for all existing platforms are included as BAT costs in this rule. Since BAT limitations are equal to NSPS, to ascribe both BAT and NSPS costs of compliance to one facility would double-count the costs of compliance with the rule. Also, EPA is unaware of any existing contractual obligations which could result in new production and development platforms being classified as existing sources. For this rule, new production and development platforms are included as new sources.

Based on information from the Department of the Interior and as presented in the March 1991 proposal, EPA estimated that thirty-seven percent (37%) of existing platforms currently pipe their produced water to shore for treatment. Therefore when developing the regional costs, only sixty-three percent (63%) of the total number of existing platforms and one hundred percent (100%) of new platforms were assigned offshore treatment costs. Onshore treatment costs were assigned to those facilities currently piping to shore. Onshore treatment costs are detailed in section V.B.2.e of this preamble. EPA cost projections for new platforms indicate that the cost of offshore treatment will be less than the combined cost of installing piping and establishing onshore treatment facilities. Thus, EPA assumed all new sources will treat water offshore. The total industry costs for the granular filtration and the reinjection option are the sum of the regional costs for each treatment option.

The total capital costs for gas flotation were more complicated to determine because many operators currently use the gas flotation technology to comply with the current BPT regulations. To avoid over-costing by assigning capital costs to all platforms, EPA predicted the number of existing platforms that currently have gas flotation systems and the number of platforms that will have to install new flotation systems. The following paragraphs explain EPA's basis for its estimate of the total industry costs for the gas flotation option.

EPA determined that to achieve BAT oil and grease limitations based on improved performance of gas flotation technology, operators who currently have gas flotation treatment systems

would continue to use the same treatment units, although some changes to those systems or their manner of operation might be necessary. For existing platforms that do not currently have gas flotation systems and can not meet the limitations of the final rule with their currently installed treatment systems, some form of add-on treatment would be necessary. For costing purposes, EPA assumed that all facilities currently without gas flotation systems are unable to meet the BAT (or for new sources, NSPS) limitations, and that flotation units would need to be installed. This assumption does not take into consideration the fact that other treatment technologies currently used by the operators are available for use, such as parallel plate coalescers, corrugated plate interceptors, hydrocyclones, or filtration, and their use may enable operators to meet the requirements of this rule without requiring installation of flotation units. (The establishment of an effluent limitation based on a given technology does not require use of the treatment technology upon which the limitation is based.) A report prepared in 1984 for the Offshore Operators Committee (OOC) found that thirteen percent (13%) of 319 outer continental shelf (OCS) facilities surveyed at that time used flotation systems for treatment of produced water. Since that same study noted that nearly all new platforms were expected to install gas flotation systems for produced water treatment and considering that the profile would likely have changed in the years since that survey was conducted, EPA collected information from the Minerals Management Service and various industry sources to update projections of existing gas flotation systems. EPA learned from MMS, which during 1990 conducted 1,677 drilling inspections and 4,830 production inspections, that approximately thirty-five percent (35%) of the offshore facilities in Gulf of Mexico are now using gas flotation systems for produced water treatment. The distribution of gas flotation systems, in conjunction with capital and annual cost data compiled for flotation systems was used to estimate total compliance costs.

EPA calculated the BAT annual operating and maintenance (O&M) costs using the projections of existing gas flotation systems discussed above. For those platforms that already have gas flotation units installed, the annual O&M costs of complying with BAT limitations based on improved performance of gas flotation are estimated to be higher than their current annual O&M costs because of modifications and enhancements needed to improve system performance. Enhanced removals of oil and grease can be achieved by existing gas flotation systems through closer supervision of the units by the platform operators, additional monitoring of operating parameters, proper sizing of the unit to improve hydraulic loading, additional maintenance of the process equipment, and addition and/or proper usage of flocculation enhancement chemicals. These costs are incremental to the current annual O&M costs. EPA estimates that the additional labor and other improvements necessary to achieve compliance with BAT limits will approximately double the annual O&M costs for existing flotation systems currently achieving BPT quality effluent.

Existing facilities needing to install a gas flotation unit (or other technology) to comply with the limit are projected to incur costs to design and select a treatment system to meet the BAT oil and grease limit. Total annual O&M costs for existing platforms that will need to install gas flotation were determined to be approximately ten percent (10%) of the capital costs of the new flotation system. EPA notes that the BAT and NSPS limitations of the final rule are based on data from existing facilities identified as being representative of platforms having well-operated gas flotation units. Thus, although not all existing facilities with gas flotation units would be expected to already be meeting the BAT and NSPS oil and grease limits of this rule, the data shows that a portion of the industry can already comply with the limitations of this final rule without incurring an additional cost. Because EPA does not know how many of these facilities would be able to comply without incurring additional cost, no allowance is made in EPA's cost projections to exclude such facilities in determining the cost of compliance for this rule. Thus, EPA is confident that compliance costs are not underestimated and may even be overestimated by up to 20–40 percent. On balance, however, EPA believes these cost projections reasonably reflect the aggregate compliance costs for the entire subcategory.

The 1984 industry (OOC) report stated that even in the absence of produced water limitations more stringent than BPT, eighty percent (80%) of new development and production platforms would be designed with gas flotation systems for treatment of produced water. Thus, EPA based compliance cost projections on the assumption that in the absence of NSPS limitations twenty percent (20%) of new platforms would not include a flotation unit in their treatment system design. This twenty percent (20%) of new platforms are considered to incur an incremental cost to comply with NSPS limitations.

In estimating NSPS capital costs, EPA assumed that it was necessary for the operator to add a flotation system to the produced water treatment system. The entire costs for adding on such a system were used in EPA's economic impact analyses. EPA notes that although some new platforms would not have planned to install flotation systems, the platforms would have contained some other type of treatment technology and it is entirely possible that the alternative system would enable compliance without incurring additional costs to comply with the NSPS limitations. EPA also notes that by adding on a flotation system to comply with NSPS limits, the operator may actually forego installation of other produced water treatment units, with the result being that the gas flotation unit would serve as a replacement system rather than an add-on system, incurring no, or reduced, incremental costs. However, in costing this rule it has been assumed that an add-on treatment system will be required and costs of entire flotation systems for 20 percent (20%) of all new platforms have been included.

For those eighty percent (80%) of new platforms that are expected to include gas flotation in the original design, capital costs consist only of an engineering redesign cost and not a new unit cost. It is assumed that the gas flotation units included in the existing design of the new platforms were able, at a minimum, to achieve the current BPT oil and grease limitations. For these systems to achieve the more stringent limitations of this final rule, EPA assumed that there may be an additional cost to upgrade the system. A design upgrade could consist of increasing the system's retention time through increasing the cell size or the addition of another cell, maximizing separation efficiency through properly sizing rotors, gas dispersers, and chemical injection equipment, and optimizing the system's performance through the addition of state-of-the-art instrumentation and controls. This system redesign cost was estimated at fifteen percent (15%) of the NSPS flotation system capital cost.

The NSPS annual O&M costs for new platforms were calculated using the same NSPS profile used in the development of the NSPS capital costs. For the twenty percent (20%) of new platforms assumed to not already

include flotation systems in the design, the annual costs are ten percent (10%) of the capital costs. However, for those new platforms that already have flotation systems in the design plans of the facility, there are no incremental annual costs for compliance with the NSPS limitations. EPA assumed that since there is a flotation system in the design of a facility, there are also annual costs associated with operation of that system in the financial projection of that project. The improved performance of that system has been accounted for by improving the design parameters of the flotation system.

Additional requirements placed on OCS sources under the recently promulgated air regulations for OCS sources (57 FR 40792) were also considered in developing compliance costs for this rule. Emissions offset costs were calculated for all facilities located off the Southern California coast, since this OCS planning area is adjacent to an onshore nonattainment area. Offset costs are assumed to be an annual expense and are included in the annual O&M costs for the produced water treatment options. Offset costs were calculated for nitrogen oxide and hydrocarbon emissions were calculated for this regulation based on annual costs of $15,000 per ton of nitrogen dioxide and $5,000 per ton of hydrocarbons.

e. *Onshore Treatment Costs.* EPA assumed that those facilities currently piping produced water to shore for treatment would continue to do so and no additional offshore treatment would be necessary. Since they are treating and discharging produced water which originated in the offshore subcategory, the onshore treatment facilities are required to meet the oil and grease limitations of this final rule and are expected to achieve compliance through either upgrading existing equipment or installing new treatment equipment. For this costing exercise, EPA evaluated the costs for installing new equipment at the onshore treatment facilities. For the 37 percent of the facilities piping to shore for treatment, EPA developed costs for onshore treatment by gas flotation, granular filtration, and reinjection technologies.

The onshore treatment costs were evaluated for both the BAT and NSPS scenarios. However, for the NSPS scenario, EPA projects that the cost to install piping to the offshore facility would greatly exceed the costs of installing the necessary treatment control technology onsite at the offshore platforms. Thus, EPA predicts that no new sources will pipe produced water to shore for treatment. Although EPA was unable to determine the extent to which it might happen, it is possible that in some instances new sources may reduce onshore treatment costs by sharing an existing pipeline to shore.

The basis for the onshore treatment system costs are similar to the offshore per-platform system costs, although there are a few exceptions. The exceptions are: (1) The offshore installation factor of 3.5 was not used (The multiplier is applied to onshore costs to account for the increased cost of transporting and installing equipment offshore. The multiplier is identical to that value used at proposal and was derived based on information supplied by DOE/EIA, equipment vendors, service providers, and other industry commenters); (2) there were no costs for platform additions; and (3) no centrifuge cost was assigned for the onshore filtration or reinjection options. EPA assumed that a centrifuge would be unnecessary to dewater the filter backwash because adequate space would be available at an onshore treatment facility to capture, settle and store backwash volumes from the granular filter.

3. Membrane Filtration

EPA reexamined the applicability of membrane filtration technology for the treatment of produced water as a result of additional data obtained on the technology and numerous comments on the March 13, 1991 proposal. In April 1991, EPA conducted a sampling program of the only full-scale ceramic membrane filtration unit processing oil field produced water in the United States.

EPA's reevaluation of membrane filtration technology concluded that membrane filtration technology is still in the development phase for applications in the treatment of produced water. EPA's sampling program clearly indicated that the technology is capable of substantially reducing the quantities of soluble and insoluble organics found in produced water. However, despite the outstanding pollutant removal performance of the ceramic membrane filtration unit, the unit experienced operating problems which preclude long-term continuous treatment of the entire produced water stream to the effluent levels presented in the proposal. The sampling program brought to light several operational difficulties that, according to the operator, are experienced with the full scale unit. The most significant problem experienced with that unit was fouling of the membrane. The operator identified several conditions responsible for significant fouling of the membrane surface. These conditions are: sea water in the produced water stream from the deck washdown system, high oil and grease loadings on the membrane during upsets, and the presence of production chemicals in the produced water. Membrane fouling results in a significant reduction of flux across the membrane and ultimate shutdown of the unit for chemical cleaning. As a result, the unit was operated at twenty percent (20%) of the rated design capacity and shutdowns for cleaning were reported to be frequent. An additional adverse effect was reported to result from recycling of the oil phase of the membrane retenate stream back into the produced water treatment system. Chemicals added to the filtration unit which become entrained in the oil phase reportedly result in decreased separation efficiency in the upstream separation unit (heater-treater).

EPA also received several comments regarding the proposal's selection of membrane filtration as a preferred technology. These comments paralleled EPA's conclusion that membrane filtration is not technically available as a BAT or NSPS treatment option at this time. The commenters provided data obtained from the same full scale system evaluated by the EPA and a pilot scale unit operating in the Gulf of Mexico. Commenters also provided information on a polymeric membrane filtration pilot unit being tested in the North Sea and a literature study which reviewed data furnished by manufacturers and oil companies regarding five different membrane filtration systems.

4. Produced Water Pollutant Loadings

Similarly to the March 1991 proposal, pollutant removals for the different regulatory options of the final rule were determined by comparing the estimated effluent levels of pollutants after treatment by the BCT/BAT/NSPS treatment system (improved performance of gas flotation, filtration, or reinjection) versus the effluent levels of pollutants associated with a typical BPT treatment (gas flotation or gravity separation).

In the March 1991 proposal, EPA characterized BPT treatment using data from the 30 Platform Study. Comments received subsequent to the proposal stated that certain pollutants found present in other studies of produced water effluent had been excluded by EPA and resulted in pollutant removals being underestimated. Several commenters also disputed the presence of one pollutant included in EPA's BPT characterization.

In response to the comments received regarding BPT characterization, EPA

developed an expanded data set based on published studies which included characteristics of produced water. As a result of this reanalysis, one pollutant, bis(2-ethylhexyl)phthalate, was deleted and anthracene, benzo(a)pyrene, chlorobenzene, di-n-butylphthalate, total xylenes, cadmium, lead, nickel and radium were added to the list of pollutants present in produced water BPT effluent.

Based on the presence of the pollutants in BPT effluent, BAT and NSPS pollutant reductions were reassessed for granular filtration systems based on "three facility study" data. Data from gas flotation units determined to be demonstrating improved performance in the 30 Platform Study were the primary basis for determining pollutant reductions from improved performance of gas flotation.

C. Produced Sand

The methodology used to determine compliance costs for the zero discharge limitation for produced sand is based on produced sand generation rate estimates, onshore disposal costs at permitted exploration and production waste disposal facilities, and onshore disposal costs at permitted low level radioactivity disposal facilities. EPA determined that no direct marine transportation costs (from the platform to shore) would be associated with the zero discharge requirement based on data from the Offshore Operators Committee (OOC) produced sand survey and additional information on produced sand handling and disposal practices submitted by the OOC. This information indicates that produced sand collected regularly through operation of desanders and blowdowns through valves on vessels accounts for less than ten percent of the volumes of sand collected annually. The majority of sand is collected during scheduled cleanouts. The information also indicates that ninety percent (90%) or more of the produced water treatment system cleanouts produce less than 100 barrels of produced sand per cleanout. The cleanouts occur during a platform shutdown and the typical cleanout cycle is once every three to five years. Therefore, EPA concluded that the volume of produced sand collected from vessel blowdowns is small enough that operators are able to use the supply boats that service offshore platforms on a frequent and regular basis, rather than contract for dedicated vessels to transport the waste to shore. The produced sand collected during tank and vessel cleanouts are typically small volumes that can be transported to shore using either the regularly scheduled supply boats or the work boats chartered to support the sand removal or other general maintenance during the platform shutdown.

Data evaluated by EPA for this rule indicates a generation rate of one barrel of produced sand for every 2,000 barrels of oil produced. EPA calculated produced sand volumes using peak year oil production estimates from the Minerals Management Service. Data from the produced sand survey indicated that, in 1989, thirty-four percent (34%) of the produced sand generated was hauled to shore for disposal. The industry does not incur any incremental compliance costs under this rule for that portion of the produced sand which is already being disposed of onshore. For determining the incremental costs of the zero discharge requirement of this rule, EPA based its costs projections on the produced sand volume being discharged offshore (66 percent of all produced sand generated).

In December 1991, the MMS Gulf of Mexico Regional Office issued a Letter to Lessees (LTL) providing guidance limiting ocean discharges of produced sand contaminated with naturally occurring radioactive materials (NORM). This LTL notified operators that, under authority provided MMS, discharges of produced sand with a radiation dose rate greater than 25 microroentgen per hour would not be approved. NORM is formed by co-precipitation of soluble radium from the formation water (produced water) along with barium sulfate, calcium carbonate, and other scale-producing constituents. These precipitates (as scale) collect in the separator tank bottoms (solids) along with the produced sand. Radionuclide data included in the produced sand survey indicated that NORM levels for some of the produced sand volumes previously discharged to the ocean (in 1989) exceed the current MMS guidelines and would now require onshore disposal. Therefore, EPA notes that the percentage of produced sand being discharged to sea may actually be less than 66 percent of the total volume generated. Since the MMS guidelines are interim guidance and could conceivably be withdrawn, EPA has continued to project compliance costs based on transporting 66 percent (66%) of produced sand generated annually to shore for disposal. The possible presence of NORM in produced sand did not drive EPA's determination that zero discharge is appropriate for this wastestream; however, because some produced sand contains NORM, EPA did consider the presence of NORM for the purpose of estimating compliance costs for the zero discharge limitations.

EPA used the data on radioactivity levels in produced sand to estimate average radium concentrations for the produced sand wastestream. The radioactivity data submitted provides either exposure rates expressed in microRoentgens per hour (microR/hr) or concentrations expressed in picocuries per gram (pCi/g). Average radium concentrations and the incremental increase in the volume of produced sand hauled to shore provided the basis for estimating radium removals. For the produced sand volumes considered to have elevated NORM levels (25 percent of produced sand according to OOC data), EPA assigned costs for disposal at low level radioactivity disposal facilities. Produced sand containing NORM above these levels may not actually require disposal at low-level radioactivity disposal facilities. To ensure compliance costs for zero discharge were not underestimated, however, EPA considers using this methodology to be an appropriate basis to project incremental costs of this rule. For the remaining volumes of produced sand (without elevated NORM levels) brought to shore for disposal, EPA assigned costs for disposal at licensed commercial oilfield waste disposal facilities.

The pollutant loadings calculations also estimated reductions in discharges of oil and total suspended solids. The loadings were calculated based on the reductions in produced sand discharges to the ocean. Oil removals were calculated using an average oil content in washed produced sand of 1.63 percent based on data submitted in response to the proposal.

D. Well Treatment, Completion and Workover Fluids

This rule requires well treatment, completion and workover fluids to meet oil and grease limitations based on the technology of cotreating these fluids with the produced water treatment system. Based on information provided by industry commenters, the technology of commingling these fluids with produced water is available. Treating these fluids with produced water is considered to incur no, or minimal, additional compliance costs. Costs to operate properly the produced water treatment system and monitor for compliance are accounted for in the compliance cost projections for produced water. Some facilities may be unable to treat well treatment, completion and workover fluids with the produced water and would incur compliance costs under this rule. The following paragraphs discuss the costing methodology for those facilities.

EPA used information submitted by industry commenters to determine most multiple-well facilities are able to treat the treatment, completion and workover fluids in the produced water treatment system. Because facilities with fewer than ten producing wells generate a relatively low volume of produced water, there is a potential for upset of the treatment systems due to inadequate equalization of wastewaters. For facilities with fewer than ten well slots, EPA developed compliance costs based on the technology of capturing and transporting the wastes to shore for treatment and/or disposal. No additional compliance costs are projected for the offshore facilities (37 percent of existing facilities) that pipe their produced water to shore for treatment. Because of the large volumes of produced water treated at these onshore sites, EPA believes the treatment, completion and workover fluids could be commingled with the produced water wastestream without causing treatment system upset. The onshore facility can adequately treat the occasional slug of treatment fluids and still maintain compliance with BAT and NSPS limitations.

Based on industry comments, well workovers or treatment jobs were determined to occur, on average, approximately every four years. According to industry comments and literature, workover fluids are typically reused at least once and treatment fluids can only be used once. The workover and treatment fluids volumes and onshore disposal costs estimates are averages based on the fifteen year period evaluated for this rule. Average yearly disposal costs were developed because workover and treatment fluids volumes are not generated, and hence costs are not incurred, until four years after well completion and subsequently every four years thereafter. The well completion fluids volumes and onshore disposal cost estimates are based on a yearly average projection of wells drilled over the fifteen years following promulgation.

The typical discharge volumes associated with workover, treatment, and completion have been revised since the proposal based on industry comments. The volume of workover and completion fluids generated is estimated to average 300 barrels per well. This volume accounts for a preflush and postflushing of the well and weighting fluid for a 10,000 foot well. The average volume of treatment fluids generated is 250 barrels per well.

EPA believes that there will be no cost for the containment of the spent fluids prior to transporting them to shore for disposal because during well treatment, workover, or completion, storage tanks currently exist on the platform or on tending workboats for fluid storage and separation. (To ensure compliance with the current BPT limitations prohibiting discharge of free oil, operators must maintain the capability to capture fluids which, if discharged, would cause a sheen on the receiving waters.) EPA believes that these tanks would provide adequate storage for the time between capturing the fluids as they come out of the well and the time of transporting the fluids to shore.

EPA also did not assign any incremental costs to the transportation of the fluids to shore. Based on comments from industry, EPA determined that the volumes would be small and the workboats tending the rig (for treatment, completion, or workover evaluations) or regularly scheduled supply boats would have adequate space to transport the containers of spent fluids. As discussed in the above paragraph, EPA determined that the platforms would have adequate space for storage of the spent fluids for the periods when the supply boats are not scheduled for the platform or when offloading to the supply boats is infeasible due to weather conditions.

To estimate compliance costs for those facilities unable to commingle fluids with the produced water, EPA determined the most common method of onshore treatment of spent fluids to be injection into underground formations at a centralized treatment facility. The disposal costs are estimated to be $12 per barrel and are based on the costs of transporting the fluids from an inland port transfer station to the disposal facility, solids removal if necessary, and injection into underground formations.

E. Non-Water Quality Environmental Impacts

The evaluation of non-water quality environmental impacts for this final rule generally follows the methodology presented by EPA in the March 1991 proposal. This methodology was patterned after calculations performed by Walk-Haydel and Associates, and submitted by the American Petroleum Institute (API) as part of API's comment submission on the 1988 Notice of Availability. These impacts were reassessed based on public comments on the March 1991 proposal. The manner in which those comments were considered and how they affected the non-water quality environmental impact analysis are presented in the following discussion.

1. Drilling Fluids and Drill Cuttings

Several commenters disputed EPA's estimates of drilling waste volumes requiring onshore disposal, as well as the manner in which these wastes would be transported and the adequacy of available disposal sites. Generally, these comments either: (1) Noted the potential for improved solids control equipment to reduce drilling waste volumes; (2) contended that EPA's assumption regarding the number of vessels necessary for transporting the drilling wastes was an overestimate; (3) contended that EPA had underestimated the drilling waste volumes requiring onshore disposal; or (4) stated that projected sites for disposal would encounter difficulties in obtaining operating permits. For this final rule, EPA reassessed estimates of the incremental increase in the volume of drilling fluids and drill cuttings requiring onshore disposal under the various options under consideration, reevaluated solids control equipment practices and supply boat utilization, updated estimates of the onshore disposal capacity for oilfield wastes, and reassessed the assumptions and methodologies used in determining energy requirements and air emissions. EPA also took into account the Clean Air Act Amendments of 1990 (and implementing regulations issued September 4, 1992 at 57 FR 40792) establishing new limitations on emissions of air pollutants from OCS sources.

2. Produced Water

Energy requirements and air emissions associated with the produced water treatment options were reassessed for the final rule. At proposal, energy requirements were calculated based on determining the total pressure drop across a treatment unit, converting this differential pressure value to a power requirement (horsepower) needed to operate the treatment system, then identifying fuel consumption. In reevaluating the non-water quality environmental impacts, EPA noted that energy requirements for the granular filtration option were underestimated and reinjection option fuel requirements were overestimated. To estimate more accurately the energy requirements for the final rule, EPA recalculated fuel needs based on the power requirements for each of the various capacities (produced water flowrates) of the modeled treatment systems.

EPA's revised calculations also based fuel usage calculations on reinjection pumps driven by natural gas turbines instead of electric-driven pumps, which

the calculations for the proposal were based upon. Gas-driven pumps are preferred offshore because the platforms typically have gas production on-site which serves as the fuel source. (Electrical reinjection pumps require more fuel than gas-driven pumps because of an extra energy conversion step.)

F. Industry Profile

The location, size, and number of existing platforms has been updated since the proposal in response to comments. First, information was gathered to account for current activity in State waters of the offshore subcategory in the Gulf of Mexico. Second, the Pacific profile was re-evaluated in light of comments. The new information is discussed in section III.B.2 of this notice.

Table 3 presents the estimated number of existing producing structures that are projected to incur costs under today's rule. Approximately 8 percent of the existing structures estimated to bear BAT costs lie within the 3-mile boundary.

Table 4 presents the number of new wells projected to be drilled annually by geographic region and distance from shore. The estimates include exploratory, development and production wells. Both productive and non-productive (dry holes) wells are included.

Table 5 presents the total number of new structures estimated to be installed during the 15-year period following promulgation. Fourteen percent of new structures are projected for installation within 3 miles from shore.

TABLE 3.—EXISTING STRUCTURES IN OFFSHORE WATERS

[Estimated to bear BAT costs]

	Distance from shore (miles)		
	0–3	>3	Total
Gulf of Mexico	201	2,316	2,517
California	10	22	32
Alaska	0	0	0
Total	211	2,538	2,549

Note: Two existing facilities offshore Alaska currently reinject produced water under state requirements. No compliance costs have been estimated for the two Alaskan facilities since any costs incurred under this rule would be minimal.

TABLE 4.—AVERAGE ANNUAL NUMBER OF WELLS DRILLED, BAT/BCT AND NSPS

[15 Years following promulgation]

	Distance from shore (miles)				
	0–3	3–4	4–8	>8	Total
Gulf of Mexico	60	12	64	579	715
California	0	0	29	3	32
Alaska	(1)	(1)	(1)	(1)	12
Total	.....	.....	.....	.....	759

[1] Not presented because Alaska excluded from zero discharge requirement for drilling fluids and drill cuttings.

TABLE 5.—TOTAL PROJECTED NEW FACILITIES

[15 Years following promulgation]

	Distance from shore (miles)			
	0–3	3–4	>4	Total
Gulf of Mexico	102	38	615	755
California	0	0	0	0
Alaska	2	0	2	4
Total	104	38	617	759

VI. Summary of the Most Significant Changes From the Proposal

This section briefly identifies the most significant changes from the proposal. More detailed discussion of these changes, and identification and discussion of other issues are included in other sections of this notice, the Development Document, the Economic Impact Analysis, and the record for this rule.

A. Drilling Fluids and Drill Cuttings

1. BCT

In the March 1991 proposal, EPA's preferred option for BCT control of drilling fluids and drill cuttings required zero discharge for wells drilled at a distance of four miles or less from shore. Discharges from wells drilled at a distance greater than four miles from shore were proposed to be limited by a prohibition on the discharge of free oil, as determined by the static sheen test. Wells drilled in the Alaska region were proposed to be excluded from the zero discharge limitation, and instead comply with the no free oil limitation.

For this final rule, the delineation for determining the zone of zero discharge is being set at a distance of three miles from shore. Drilling fluids and drill cuttings from wells drilled by existing sources at a distance of 3 miles or less from shore will be prohibited from discharge to the surface waters of the U.S. Discharges of drilling wastes (fluids and cuttings) from wells drilled beyond this distance will be prohibited from discharging free oil. As proposed, wells drilled off Alaska will be excluded from the zero discharge and will instead comply with the no free oil limitation.

2. BAT and NSPS

In the March 1991 proposal, EPA's preferred option for BAT and NSPS control of drilling fluids and drill cuttings was similar to the preferred BCT control and required zero discharge for wells drilled at a distance of four miles or less from shore. Additional requirements for control of priority and nonconventional pollutants in drilling fluids and drill cuttings were proposed for those wells drilled at a distance greater than four miles from shore and were as follows: (1) Toxicity limitation set at 30,000 ppm in the suspended particulate phase; (2) a prohibition on the discharge of detectable amounts of diesel oil used either for lubricity or spotting purposes; (3) no discharge of free oil based on the static sheen test; and (4) limitations for cadmium and mercury in the drilling fluids and drill cuttings at 1 mg/kg each in the whole drilling fluid at the point of discharge. All wells drilled in the Alaskan region were proposed to be excluded from the zero discharge limitation; instead, discharges from wells off Alaska were proposed to be controlled by the limitations on mercury and cadmium, toxicity, and diesel and free oil.

NSPS and BAT limitations of this final rule differ from the proposed limitations in the following manner. First, as established for BCT, the prohibition on discharges of drilling fluids and drill cuttings is being set at a distance of three miles from shore. Second, for reasons discussed in section VII.B.3 of this notice, the term "in detectable amounts" has been deleted from the limitation prohibiting discharges containing diesel oil. Third, instead of the proposed "end-of-pipe" limitation on cadmium and mercury content in the whole drilling fluid, EPA is limiting these metals at 3 mg/kg for cadmium and 1 mg/kg for mercury in the stock barite. Discharges beyond 3 miles from shore, as well as all discharges of drilling wastes off Alaska, will be required to comply with the limitations on mercury and cadmium, toxicity, and diesel and free oil.

B. Produced Waters

The BCT limitation of this final rule is unchanged from the proposal and is being established equal to current BPT limits (48 mg/l monthly avg., 72 mg/l daily max.). In March 1991, EPA proposed establishing oil and grease limitations for BAT and NSPS based on membrane filtration technology (7 mg/l monthly average, 13 mg/l daily

maximum) for produced water discharges located within four miles from shore, and setting BAT and NSPS equal to the current BPT limitations for discharges beyond that distance. Alternatively, EPA was also considering setting the limitations for those facilities within four miles of shore based on granular filtration technology (16 mg/l monthly avg., 29 mg/l daily max.). In this final rule, EPA is requiring all discharges of produced water to comply with BAT and NSPS oil and grease limitations of 42 mg/l daily maximum and 29 mg/l monthly average based on improved performance of gas flotation technology.

C. Produced Sand

The BAT and NSPS limitations for this wastestream remain unchanged from the proposed limitation of zero discharge. BCT in this final rule will prohibit all discharges of produced sand.

D. Deck Drainage

The BCT limitation of this final rule is unchanged from the proposal and is equal to the BPT limitation of no discharge of free oil. In March 1991, EPA proposed establishing oil and grease limitations for BAT and NSPS control of this wastestream based on commingling deck drainage with the produced water treatment system. The preferred option for control of deck drainage at proposal was to set the BAT and NSPS limits equal to those proposed for produced water. EPA also proposed setting BAT and NSPS equal to BPT (56 FR 10695 and 56 FR 10698). In the final rule, EPA is setting BAT and NSPS limitations equal to the current BPT limitations prohibiting discharge of free oil.

E. Well Treatment, Completion, and Workover Fluids

The BCT limitation of this final rule is unchanged from the proposal and is equal to the existing BPT limitation of no discharge of free oil. In March 1991, EPA proposed NSPS and BAT limitations prohibiting discharge of well treatment, completion and workover fluids which surfaced from the well as a discrete fluid slug, along with a buffer volume preceding and following that fluid slug. For those treatment, completion and workover fluids surfacing intermixed, or commingled, with produced water, EPA proposed establishing oil and grease limitations for BAT and NSPS control based on treatment by the produced water treatment system. The limitations were proposed to be equivalent to those proposed for produced water.

In this final rule, EPA is deleting the zero discharge requirement for discrete fluid slugs. BAT and NSPS limitations are being set equal to the BAT and NSPS limitations of this rule for produced water which is based on improved performance of gas flotation (29 mg/l monthly avg, 42 mg/l daily max).

F. Domestic Waste

In March 1991, EPA proposed prohibiting discharges of floating solids and foam. In addition to the limitations proposed, EPA is incorporating limitations on discharges of garbage and plastics, as required by 33 CFR Part 151. Discharges of foam will be prohibited under BAT as well as NSPS.

G. Sanitary Waste

The BCT and NSPS limitations for this wastestream remain unchanged from proposal and are equal to existing BPT requirements. BAT is not being promulgated for these wastes.

VII. Basis for the Final Regulation—Drilling Fluids and Drill Cuttings

A. BCT

Section 304(b)(4)(B) of the CWA requires EPA to take into account a variety of factors, in addition to the BCT cost test discussed below, in establishing BCT limitations. These additional factors include "non-water quality environmental impacts (including energy requirements), and such other factors as the Administrator deems appropriate." EPA conducted an investigation into both the impacts of transporting drilling wastes and the availability of land for drilling waste disposal (see section VII.A.4). These non-water quality environmental impacts and energy requirements and their effect on the control of drilling fluids and drill cuttings covering existing and new sources are discussed below. Also, EPA considered other factors such as administrative burden and enforcement issues in evaluating BCT options.

1. BCT Methodology

The methodology for determining "cost reasonableness" was proposed by EPA on October 29, 1982 (47 FR 49176) and became effective on August 22, 1986 (51 FR 24974). These rules set forth a procedure which includes two tests to determine the reasonableness of costs incurred to comply with candidate BCT technology options. If all candidate options fail any of the tests, or if no candidate technologies more stringent than BPT are identified, then BCT effluent limitations guidelines must be set at a level equal to BPT effluent limitations. The cost reasonableness methodology compares the cost of conventional pollutant removal under the BCT options considered to be the cost of conventional pollutant removal at publicly owned treatment works (POTWs).

BCT limitations for conventional pollutants that are more stringent than BPT limitations are appropriate in instances where the cost of such limitations meet the following criteria:

- *The POTW Test:* The POTW test compares the cost per pound of conventional pollutants removed by industrial dischargers in upgrading from BPT to BCT candidate technologies with the cost per pound of removing conventional pollutants in upgrading POTWs from secondary treatment to advanced secondary treatment. The upgrade cost to industry must be less than the POTW benchmark of $0.46 per pound ($0.25 per pound in 1976 dollars indexed to 1986 dollars).
- *The Industry Cost-Effectiveness Test:* This test computes the ratio of two incremental costs. The ratio is also referred to as the industry cost test. The numerator is the cost per pound of conventional pollutants removed in upgrading from BPT to the BCT candidate technology; the denominator is the cost per pound of conventional pollutants removed by BPT relative to no treatment (i.e., this value compares raw wasteload to pollutant load after application of BPT). The industry cost test is a measure of the candidate technology's cost-effectiveness. This ratio is compared to an industry cost benchmark, which is based on POTW cost and pollutant removal data. The benchmark is a ratio of two incremental costs: the cost per pound to upgrade a POTW from secondary treatment to advanced secondary treatment divided by the cost per pound to initially achieve secondary treatment from raw wasteload. The result of the industry cost test is compared to the industry Tier I benchmark of 1.29. If the industry cost test result for a considered BCT technology is less than the benchmark, the candidate technology passes the industry cost-effectiveness test. In calculating the industry cost test, any BCT cost per pound less than $0.01 is considered to be the equivalent of de minimis or zero costs. In such an instance, the numerator of the industry cost test and therefore the entire ratio are taken to be zero and the result passes the industry cost test.

These two criteria represent the two-part BCT cost reasonableness test. Each of the regulatory options was analyzed according to this cost test to determine if BCT limitations are appropriate.

2. BCT Options Considered

Following a review of the comments and data received in response to the March 1991 proposal, EPA modified the control and treatment options in developing the final rule. The following BCT effluent limitations options for drilling fluids and drill cuttings were evaluated for cost-reasonableness by the

POTW and the industry cost-effectiveness tests:

"3 Mile Gulf/California"—All regions except offshore Alaska would be prohibited from discharging drilling fluids and drill cuttings from all wells located within three miles from shore. All wells located beyond three miles from shore, as well as all wells being drilled off of Alaska, would be permitted to discharge drilling fluids and drill cuttings that are in compliance with the no discharge of free oil limitation as determined by the static sheen test.

"8 Mile Gulf/3 Mile California"—Zero discharge for all wells in the Gulf of Mexico located within eight miles from shore and zero discharge for all wells offshore California located within three miles from shore. All wells located beyond eight miles from shore in the Gulf of Mexico, beyond three miles from shore off California, and all wells drilled offshore Alaska would be permitted to discharge drilling fluids and drill cuttings that are in compliance with the no discharge of free oil limitation.

"Zero Discharge Gulf/California"—Zero discharge for all wells located in the Gulf of Mexico and offshore California. All wells being drilled offshore Alaska would be permitted to discharge drilling fluids and drill cuttings that are in compliance with the no discharge of free oil limitation.

EPA also evaluated the compliance costs and non-water quality environmental impacts for discharge prohibitions at four and six miles from shore in considering the appropriateness of the three- and eight-mile drilling activity profiles. These other options are discussed in detail in the Development Document for the final rule. "Miles" as used in this preamble and the regulation in reference to BCT, BAT and NSPS limitations for drilling fluids and drill cuttings refers to nautical miles. Although it is not a conventional pollutant, as is oil and grease, EPA is limiting free oil as a surrogate for oil and grease under BCT in recognition of its previous use under BPT.

In referring to the options considered for control of drilling fluids and drill cuttings, the Gulf of Mexico, California and Alaska regions are used in the option descriptions and accompanying discussion. Use of the word "Gulf" means any offshore location other than Alaska and California. EPA uses the term "Gulf" as a "shorthand" way of referring to regulatory options and does not exclude other geographic areas from coverage under this rule. For the BCT, BAT and NSPS limitations under this rule, all offshore areas other than offshore California and Alaska would be required to comply with the limitations established for the Gulf of Mexico.

For the purposes of this rule, EPA determined that reinjection of drilling wastes into underlying formations at offshore platforms was not an available technology at this time. Although this technology has been demonstrated at some onshore sites in Alaska and the Gulf of Mexico region, the size of the equipment required to perform these operations and questions regarding the feasibility of reinjecting a high solids slurry into underlying formations throughout the offshore regions affected by this rule currently preclude widespread application offshore.

The removals of TSS and oil and grease are the only conventional pollutants selected in calculating the BCT cost reasonableness tests for drilling wastes. BOD was not used because it was not a parameter normally measured in wastewaters from this industry since it is associated with the oil content. The use of both BOD and oil (or oil and grease) would essentially result in double-counting pollutant removals, thus giving erroneous results. (See 47 FR 49181 and 51 FR 24976)

Comments were submitted to EPA regarding specific situations in Alaskan waters (State and Federal waters off of Alaska) which make compliance with a zero discharge requirement based on transporting drilling wastes to shore for treatment and/or disposal difficult. Reasons for this primarily relate to the severe weather conditions. Because of sea ice, tugs and barges can only be used for 4 months in the summer during open-water/broken ice season. In addition, winter snow and fog conditions severely restrict visibility. White-out conditions occur restricting air and water travel. Other considerations which hinder compliance with the zero discharge requirement are the long distances (both offshore and onshore) required to transport wastes to areas which may be suitable for land disposal and the lack of permitted land disposal facilities. For these reasons, EPA is excluding Alaskan waters from the zero discharge requirement. All drilling fluids and drill cuttings discharges from existing sources off Alaska will be required to comply with the BCT limitation prohibiting the discharge of free oil (measured by the static sheen test), as well as the BAT limitations on free oil, diesel oil, toxicity, cadmium and mercury. All discharges of drilling fluids and drill cuttings from new sources off Alaska must comply with NSPS limits on free oil, diesel oil, toxicity, cadmium and mercury.

3. BCT Cost Test Calculations

a. *Drilling Fluids.* Using the volumes of drilling fluids projected by the computer model for each geographic region, it was estimated that offshore drilling activity annually generates a total of 944,364,000 lb/yr of conventional pollutants (TSS and oil) in the drilling fluids wastestream. Applying the BPT restrictions on free oil, it was estimated that under BPT a total of 47,807,000 lb/yr of conventional pollutants are removed from this waste stream for onshore disposal, at a cost of $7,152,000 per year (1986 dollars). Dividing the cost by pollutant removal, the BPT cost per pound of conventional pollutant removal for drilling fluids is $0.1496 per pound (1986 dollars). This value is the denominator of the industry cost-effectiveness test (the second part of the two part BCT cost-reasonableness test).

$$\text{BPT Result (\$/lb)} = \frac{\$7{,}152{,}000}{47{,}807{,}000 \text{ lbs}}$$

=$0.1496 per pound (1986 dollars)

The POTW test (first part of the two part BCT cost-reasonableness test) is calculated by comparing the cost per pound of conventional pollutants removed in upgrading from BPT to the BCT candidate technologies. The "3 Mile Gulf/CA" option for BCT, in relation to BPT requirements on drilling fluids, is projected to remove an additional 71,292,000 pounds of conventional pollutants from the drilling fluids wastestream at an incremental cost of $5,697,000 (1986 dollars). These BCT incremental compliance costs and pollutant removals are due to onshore disposal of drilling fluids within three miles from shore (costs and pollutant removals associated with the no free oil limit beyond three miles from shore are attributed to BPT limitations and are not counted again under BCT). Since the cost reasonableness methodology is concerned with the cost of conventional pollutant removal under BCT as it is applied incrementally to BPT, the effects of existing NPDES permit limitations which may be more stringent than BPT (such as toxicity, diesel and metals limits for the drilling fluids) are not considered for the cost-reasonableness tests. These BCT cost tests focus exclusively on the incremental costs/removals from raw wasteload to BPT, and the incremental costs/removals from BPT to BCT. Dividing the BCT costs by the conventional pollutant removals provides a POTW test result of $0.0799 per pound. Since the POTW test result is less than $0.46 per pound (1988 dollars), the result passes the POTW test.

$$\text{POTW Test Result (\$/lb)} = \frac{\$5,687,000}{71,292,000 \text{ lbs}}$$

=$0.0799 per pound (1986 dollars)

The industry cost test compares the result of the POTW test to the cost per pound of the BPT limitations. For the "3 Mile Gulf/CA" option, the test result for drilling fluids is 0.53.

$$\text{Industry Cost Test} = \frac{\text{POTW Test Result}}{\text{BPT Result (\$/lb)}} = \frac{0.0799}{0.1495} = 0.53$$

Since the test result is less than 1.29, the result passes the industry cost-effectiveness test. Since the BCT candidate option passes both tests, it is found to be cost-reasonable.

Additional discussion of the compliance costs and BCT cost tests are provided in the Development Document. The results of the BCT cost reasonableness test for the candidate options for drilling fluids are presented in Table 6. All BCT options considered for drilling fluids pass both cost-reasonableness tests.

TABLE 6.—BCT COST TEST RESULTS FOR DRILLING FLUIDS

BCT candidate options	Conventional pollutants removed[1] (MM lb/yr)	Regulatory compliance cost[1] (MM $/yr) (1986 $)	POTW cost test (1986 $/lb)	Industry cost test
3 Mile Gulf/CA	71.3	5.7	0.08	0.53
8 Mile Gulf/3 Mile CA	161.6	18.1	0.11	0.75
Zero Discharge Gulf and CA	875.1	116.8	0.13	0.89

[1] Incremental to BPT.

b. *Drill Cuttings.* Using the volumes of cuttings predicted by the computer model for each geographic region, it was estimated that the offshore drilling activity annually generates a total of 846,341,000 lb/yr of conventional pollutants (TSS and oil) in the drill cuttings wastestream. Applying the BPT restrictions on free oil, it was estimated that, under BPT limitations a total of 9,381,000 lb/yr of conventional pollutants are removed from this waste stream for onshore disposal at a cost of $635,000 per year (1986 dollars). Dividing the cost by pollutant removal, the BPT cost per pound of conventional pollutant removal for drill cuttings is $0.0677 per pound (1986 dollars). The results of the BCT cost reasonableness test for the candidate options for drill cuttings are presented in Table 7. All BCT options considered for drill cuttings pass both cost reasonableness tests.

TABLE 7.—BCT COST TEST RESULTS FOR DRILL CUTTINGS

BCT candidate options	Conventional pollutants removed[1] (MM lb/yr)	Regulatory compliance cost[1] (MM $/yr) (1986 $)	POTW cost test (1986 $/lb)	Industry cost test
3 Mile Gulf/CA	70.5	3.3	0.05	0.69
8 Mile Gulf/3 Mile CA	155.2	7.5	0.05	0.72
Zero Discharge Gulf and CA	825.3	41.9	0.05	0.73

[1] Incremental to BPT.

4. Non-Water Quality Environmental Impacts and Other Factors

The elimination or reduction of one form of pollution has the potential to aggravate other environmental problems. Under sections 304(b) and 306 of the CWA, EPA is required to consider these non-water quality environmental impacts (including energy requirements) in developing effluent limitations guidelines and NSPS. In compliance with these provisions, EPA has evaluated the effect of these regulations on air pollution, solid waste generation and management, consumptive water use, and energy consumption. Because the technology basis for the limitation on drilling fluids and drill cuttings requires transporting the wastes to shore for treatment and/or disposal, adequate onshore disposal capacity for this waste is critical in assessing the options. Safety, impacts of marine traffic on coastal waterways, and implementation considerations such as administrative burden and enforcement were other factors also considered. EPA evaluated the non-water quality environmental impacts on a regional basis because the different regions each have their own unique considerations (e.g., air emissions are a particular concern in Southern California, while availability of disposal sites is more limiting for the Gulf of Mexico). Although not specifically detailed in the discussion below, the non-water quality environmental impacts associated with the projected future drilling and production activities in regions other than the Gulf of Mexico, California, and Alaska have been considered acceptable.

The control technology basis for compliance with the options considered for the drilling fluids and drill cuttings wastestreams is a combination of product substitution and/or transportation of drilling wastes to shore for treatment and/or disposal. The non-water quality environmental impacts associated with the treatment and control of these wastes are summarized in Table 8.

TABLE 8.—NON-WATER QUALITY ENVIRONMENTAL IMPACTS DRILLING FLUIDS AND DRILL CUTTINGS

Options	Volume of barged waste (bbl/yr)	Air emissions (tons/yr)	Fuel requirements (bbl diesel/yr)
3 mile Gulf/CA	890,800	298	34,900
8 mile Gulf/3 mile CA	1,374,300	466	55,700
Zero Discharge Gulf and CA	6,811,400	1,798	221,400

Note: All values presented incremental to current industry practice.

a. *Solid Waste Generation and Management.* The regulatory options considered for this rule will not cause the generation of additional solids as a result of the treatment technology. However, used drilling fluids and drill cuttings contain high levels of solids, and considerable volumes of these wastes will be disposed of onshore instead of being discharged at the drilling sites under this final rule.

EPA estimates that drilling activity in the offshore subcategory generates approximately 7.7 million barrels per year of drilling wastes (drilling fluids and drill cuttings). Of that volume, it is estimated that about 760,000 barrels per year of drilling wastes already undergo onshore disposal to comply with current NPDES permit limitations which include BPT effluent limitations and BAT and BCT limits (based on Best Professional Judgment). This volume of drilling wastes (from the offshore subcategory) disposed onshore may be compared to EPA's 1987 estimates of 361 million barrels per year of drilling wastes generated from the drilling of wells in the "onshore" and "coastal" subcategories. (See "Report to Congress: Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas, and Geothermal Energy," U.S. EPA, Office of Solid Waste, EPA/530–SW–88–003, December 1987.) A significant portion of these wastes from onshore drilling activities are disposed of onsite and not transported to commercial treatment and/or disposal facilities.

The drilling wastes generated offshore and transported to shore for treatment and/or disposal under this rule would be deposited in commercial land disposal facilities similar to those used to manage a portion of the drilling wastes generated by the onshore and coastal subcategories. These land disposal sites are generally located near the coast where the wastes are brought to shore. In evaluating the impacts from land disposal of the drilling wastes, EPA determined the availability of disposal capacity on a regional basis. For each regulatory option, EPA estimated the volume of wastes requiring land disposal and the excess, or unused, capacity of disposal facilities.

In the proposal, EPA had estimated available capacity for drilling fluids and drill cuttings by reviewing permitted capacity. At that time, data on the degree to which disposal capacity was used was not available. For the final rule, EPA updated capacity estimates and obtained data on the volumes of wastes treated at the disposal sites to derive more accurate projections of the "excess" available capacity. The "excess" available capacity is more useful for evaluating the non-water quality environmental impacts of the various options considered for the rule.

While drilling wastes are exempted from federal regulation as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Solid Waste Disposal Act [SWDA], 42 U.S.C. 6901–6992(k)), and no Subtitle D regulations specific to these wastes have been developed, there are existing State requirements for these wastes. No new federal requirements for the management of exploration and production wastes under RCRA Subtitle D have been proposed.

Gulf of Mexico Region

In developing the proposal, EPA surveyed state/local regulatory agencies and disposal facilities in late 1989 and early 1990 to estimate the available and projected annual disposal capacities of sites near the coast which could treat and dispose of drilling wastes. The results of this study are documented in "Onshore Disposal Of Offshore Drilling Waste: Capacity and Cost of Onshore Disposal Facilities," prepared for EPA by ERCE, March 1991. The evaluation reviewed the situation in the three major areas where onshore disposal of offshore drilling waste would be necessary: Gulf of Mexico, California, and Alaska. Treatment and disposal options for offshore waste disposal in each region were evaluated based on telephone contacts with knowledgeable individuals associated with regulatory agencies or disposal facilities. Estimates of regional capacity were derived from telephone contacts with facility operators, recently completed state hazardous waste Capacity Assurance Plans, State data on nonhazardous waste facilities, and literature sources.

In the Gulf Coast states, oil drilling wastes that are exempt from RCRA Subtitle C are generally accorded the regulatory status of nonhazardous wastes but are subject to state disposal requirements specific to oilfield wastes. Onshore oil drilling facilities are allowed to utilize drilling pits for storage of drilling fluids and drill cuttings. Upon closure and subject to state requirements, the drilling wastes can be either buried on-site, land spread, or injected into the underlying formation. Drilling wastes derived from onshore drilling operations are occasionally transported to an off-site, commercial disposal facility for ultimate disposal. Commercial disposal facilities in the region are permitted by the state to accept specific types of nonhazardous oilfield waste. These facilities are more commonly used by offshore and coastal drilling operations and by facilities located in wetlands areas or in inland waterways.

In the March 1991 study, disposal sites in the Gulf of Mexico region were classified in three categories. First, Tier 1 sites were those permitted to accept nonhazardous oilfield wastes which are currently accepting wastes from offshore. These are sites located in close proximity to drilling sites, generally are accessible by boat/barge, and charge competitive rates for disposal. Operations included in this category are landfarming, landfilling, and waste treatment prior to landfilling. The second category, Tier 2 sites, included facilities permitted to accept nonhazardous oilfield wastes but which were not accepting wastes from offshore at that time because of their relative lack of proximity to drill sites, their lack of marine unloading terminals or water access, their inability to compete with the rates charged by Tier 1 facilities, or the lack of sufficient demand for onshore disposal capacity. Finally, Tier 3 sites were those facilities permitted to accept hazardous waste and which could accept nonhazardous oilfield waste (at a much higher cost) should there be no other suitable disposal alternatives. The study projected the combined capacity of Tier 1 and Tier 2 sites at 30.7 million barrels of drilling wastes per year, with Tier 3 sites providing an additional 10.9 million barrels per year of capacity. It was noted that some portion of the permitted acreage in the Tier 1 category was not being used at the time of the survey; however, the capacity actually used was not quantified.

In developing options for the final rule, EPA improved upon the capacity estimates used for the proposal. EPA believes that in addition to the CWA's requirement to consider non-water quality environmental impacts, sound environmental policy requires that there be adequate onshore disposal capacity to dispose of drilling fluids and drill cuttings that will need to be barged to shore to comply with the zero discharge requirements, toxicity limits, and other requirements imposed by this rule. Thus, EPA must be careful in projecting how much landfill capacity is actually available for this use.

Accordingly, it is appropriate to determine how much of the permitted capacity is actually available for disposal of drilling fluids and drill cuttings generated offshore. Disposal capacity estimates made by EPA for the 1991 proposal did not account for impacts due to zero discharge limits for drilling fluids and drill cuttings limits proposed in a general permit covering

coastal drilling activities in Texas and Louisiana (55 FR 23348; June 7, 1990). EPA expects to promulgate this general permit in early 1993. If promulgated as proposed, EPA anticipates that this permit will result in an incremental increase of 1.1 million barrels per year of coastal drilling waste requiring onshore disposal as a result of these new permit limitations. Although these wastes are originating in the coastal subcategory and thus are not affected by this rulemaking, the coastal drilling wastes do compete for the same onshore disposal capacity and therefore must be considered in determining disposal site availability.

EPA reviewed the analysis prepared for the 1990 and 1991 proposals to evaluate what facilities should be considered as available sites for disposal of drilling fluids and drill cuttings from offshore oil and gas platforms for purposes of determining non-water quality environmental impacts.

EPA has determined that it should not include hazardous waste facilities in its overall capacity estimates for this rule. Drilling wastes are exempted from federal regulation as hazardous wastes under subtitle C of RCRA. While exempted under subtitle C, there are existing state requirements for disposal of these wastes. In the Gulf coast states, commercial disposal facilities are permitted to accept specific types of nonhazardous oilfield waste. In EPA's judgment, adequate disposal capacity for hazardous waste disposal is an ongoing problem, and these hazardous waste facilities should be reserved for use to dispose of waste which cannot be disposed of in any other type of facility.

Because EPA wanted to make a realistic estimate of disposal capacity, EPA included in its estimates of available disposal capacity only those facilities that are currently accepting the type of drilling fluids and drill cuttings that would be generated offshore. Facilities excluded from EPA's onshore disposal capacity estimates include a permitted, but not yet constructed, site and a facility for which the operating permit is currently suspended. EPA also excluded a facility in northern Louisiana because disposal at this facility would require at least a five-hour truck ride, resulting in additional air emissions, energy use, and significantly higher disposal costs than the other sites which are located closer to shore.

Based on this analysis, total permitted capacity in the Gulf of Mexico region is estimated at 8.5 million bbl/year. A review of the wastes receipts from the disposal facilities indicated that approximately 3 million bbl of wastes were accepted for treatment and/or disposal at these facilities in 1989. Using the permitted capacity estimate of 8.5 million bbl/year, approximately 5.5 million bbl/year of onshore disposal capacity is available to accept additional drilling wastes (8.5 − 3.0=5.5 million bbl/year available capacity).

Under the regulatory option (Zero Discharge Gulf/California) requiring zero discharge of all drilling wastes for the Gulf of Mexico region, EPA projects an incremental increase of 6.6 million barrels per year of drilling fluids and drill cuttings from the offshore subcategory requiring onshore disposal at facilities on the Gulf coast. (Accounting for the coastal drilling wastes under the proposed coastal permit would increase the total by 1.1 MMbbl/yr to 7.7 MMbbl/yr.) Comparing the volume of offshore drilling wastes to current projections of 5.5 million barrels of available excess disposal capacity in the Gulf coast region, EPA concluded that the offshore wastes requiring onshore disposal under this option would exceed the available disposal capacity.

Additional regulatory options with requirements prohibiting discharges over lesser geographic areas (options setting discharge prohibitions at distances of 3, 4, 6, or 8 miles from shore) were evaluated with respect to the revised land capacity estimates. For the options prohibiting discharges of drilling wastes within 8 miles of shore, 1.4 million barrels per year of wastes from the offshore subcategory would be disposed of onshore in the Gulf region. The combination of offshore wastes (1.4 MMbbl/yr) and projected coastal wastes (1.1 MMbbl/yr) represents an estimated 45 percent of the projected available excess land disposal capacity in the Gulf coast region (2.5 MMbbl/yr equals 45% of 5.5 MMbbl/yr capacity). For the options prohibiting discharges of drilling wastes within 3 or 4 miles of shore, 685,000 bbl/yr or 793,000 bbl/yr, respectively, of drilling wastes from the offshore subcategory will require onshore disposal in the Gulf region. Including the 1.1 MMbbl/yr of projected coastal-generated drilling wastes, 33 to 35 percent, respectively, of the excess land disposal capacity in the Gulf coast region will be required under the 3 and 4 mile options. Additional discussion on the drilling waste volumes requiring onshore disposal and projections of available excess disposal capacity are further discussed in sections concerning BCT, BAT and NSPS options selection for drilling fluids and drill cuttings.

California Region

California laws and regulations provide for oil and gas wastes to be designated either hazardous or nonhazardous. Drilling wastes in California are considered nonhazardous provided the operator uses only approved additives and fluids. Although offshore drilling wastes requiring onshore disposal in California would be nonhazardous if the operator uses the approved additives and fluids in the drilling operations, disposal options appear limited. While in theory it may be possible to dispose of any oilfield waste in local Class III (nonhazardous waste that will not decompose) landfills, local regulatory agencies have indicated that they are not inclined to allow such disposal unless the waste is first stabilized for use as landfill cover. If not stabilized and disposed in a Class III landfill, the alternative disposal option for offshore drilling waste is disposal at a Class I hazardous waste site. In the 1991 study report, permitted Class III (stabilized, nonhazardous waste) disposal capacity was estimated at 3.4 million barrels per year and the Class I (hazardous waste landfills) disposal capacity at 6.5–10.5 million barrels per year. It was projected that the facilities available to perform the stabilization necessary to allow disposal at Class III landfills were operating at no more than one-half of the permitted capacity. As part of the final rulemaking, EPA reevaluated capacity estimates and now projects the onshore disposal capacity in the California region at approximately 19.3 million barrels per year (including 15.5 MMbbl/yr for Class III landfills).

Under the option requiring zero discharge of all drilling wastes for the California region, EPA projects that 233,000 barrels of offshore-generated drilling fluids and drill cuttings would require onshore disposal at facilities on the California coast. Comparing that to the projected disposal capacity in the California region, EPA concluded that the wastes requiring onshore disposal under this option would require less than two percent (2%) of the disposal capacity. The distances considered in other drilling fluids and drill cuttings options for this rule require less than one percent of the disposal capacity in the California region.

Alaska Region

The 1991 report identified no commercially operating disposal sites in Alaska accepting offshore drilling wastes. This lack of commercial disposal sites would require operators to transport the drilling wastes to another

location such as Washington, Oregon, or California for disposal; apply to the State of Alaska for a permit to operate a commercial disposal facility for the offshore wastes; apply to the State to allow disposal of drilling wastes which have been either thermally treated or chemically stabilized (solidification) in currently-existing landfills; or inject the drilling wastes into underground formations. Injection of slurried drilling fluids and drill cuttings is currently practiced on a limited trial basis on the North Slope and has been considered for onshore use in other regions such as the Gulf of Mexico. However, the technology of injecting slurried drill cuttings is not sufficiently developed to apply to the offshore subcategory at this time.

Under all options considered by EPA for this rule, drilling wastes generated off Alaska would be excluded from the zero discharge limitation. (See the discussion of options considered.) Under the limitations imposed by this rule, EPA does anticipate a relatively small increase in the volume of offshore-generated drilling wastes requiring onshore disposal in this region. EPA considers the disposal options discussed above, in conjunction with privately-owned (industry-owned) onshore disposal sites, to provide ample capacity for disposal of these wastes. Onshore disposal capacity was a factor in excluding drilling wastes in this region from zero discharge; however, the difficulties involved in transporting large quantities of these wastes to shore (see section VII.A.2 of this notice), and the limited amount of storage space on-site at offshore drilling facilities (particularly mobile drilling units), also serve as a basis for the exclusion. Although the transportation and onshore disposal considerations precluded the zero discharge requirement for this region, these factors are not considered to prevent the industry from capturing and transporting the relatively small volumes of drilling wastes that are anticipated to require onshore disposal in this region. The volumes requiring onshore disposal under this rule would, for the most part, be relatively small, anticipated by the operator (and thus could be planned for accordingly), and typically occur toward the end of a drilling program when the potential for causing a halt to drilling would likely be minimized (since the waste volumes to be handled would either be small or onsite storage would be available). Such waste handling practices and operations would not be inconsistent with current practices under the current NPDES permit limitations.

b. *Energy Requirements.* Energy requirements for each of the treatment options considered in this rule were calculated by identifying those activities necessary to support onshore disposal of drilling wastes. Those activities requiring fuel consumption include supply boats to transport the drilling wastes, crane operation at the drilling sites and marine transfer stations to facilitate off-loading the wastes, trucks to transport the wastes from the marine transfer station to the onshore disposal site, and earth-moving equipment at the disposal site to facilitate landspreading and landfill operations. Since many disposal sites are either located at marine transfer stations, or wastes may be transferred at marine transfer stations from supply vessels to barges and then transported on waterways to the disposal sites, much of the drilling waste may not actually require truck transportation. However, the fuel requirements and air emissions attributed to truck usage in EPA's analysis are considered to approximate the energy requirements and air emissions resulting from the alternative use of barge traffic.

EPA used the volumes of drilling waste requiring onshore disposal to estimate the number of supply boat trips necessary to haul the waste to shore. Projections made regarding boat use included types of boats used for waste transport, the distance travelled by the boats, allowances for maneuvering, idling and loading operations at the drill site, and inport activities at the marine transfer station. EPA estimated fuel required to operate the cranes at the drill site and inport based on projections of crane usage. EPA determined crane usage by considering the drilling waste volumes to be handled and estimates of crane handling capacity. EPA also used drilling waste volumes to determine the number of truck trips required. The number of truck trips, in conjunction with the distance travelled between the marine transfer station and the disposal site, enabled an estimate of fuel usage. The use of land-spreading equipment at the disposal site was based on the drilling waste volumes and the projected capacity of the equipment. The methodology used to determine fuel consumption is further discussed in the Development Document. Table 8 summarizes the incremental increase in energy requirements for the drilling fluids and drill cuttings options considered for this rule.

c. *Air Emissions.* EPA estimated air emissions resulting from the operation of boats, cranes, trucks and earth-moving equipment by using emission factors relating the production of air pollutants to time of equipment operation and amount of fuel consumed. The incremental increase in air emissions associated with the control options considered by EPA in this final rulemaking are presented in Table 8.

In developing regulations to control air pollution from OCS sources pursuant to the 1990 Clean Air Act Amendments, the EPA Office of Air Quality Planning and Standards estimated the air emissions associated with various stages of oil/gas resource development activities ("Control Costs Associated With Air Emission Regulations For OCS Facilities," Final Report September 30, 1991. Prepared by Mathtech, Inc. for EPA). In this study, EPA estimated levels of both controlled and uncontrolled emissions from exploration, development, and production operations. Nitrogen oxides (NO_x) emissions from exploratory drilling activities were estimated at 78 tons/operation. For comparison, the increase in air emissions due to offshore and onshore activities related to onshore disposal of drilling wastes is estimated at approximately 1.5 tons of NO_x for each well subject to the zero discharge limitations.

d. *Interaction with OCS Air Regulations.* The regulation of air emissions from outer continental shelf (OCS) sources prior to the passage of the Clean Air Act Amendments of 1990 (CAAA) was the sole responsibility of the Minerals Management Service (MMS), which administered the Department of the Interior (DOI) air quality rules (30 CFR 270.45, 46). The CAAA partitioned the regulation of air emissions from OCS sources between MMS, which will continue to administer the DOI regulations for the Western and Central Gulf of Mexico planning areas (off the states of Texas, Louisiana, Mississippi and Alabama), and EPA, which will have responsibility for the regulation of OCS sources along the Pacific, Arctic and Atlantic coasts and along the Gulf coast off the state of Florida.

On September 4, 1992, EPA promulgated new requirements to control air pollution from OCS sources (57 FR 40792). The purpose of the requirements is to attain and maintain Federal and State ambient air quality standards, and to provide for equity between onshore facilities and OCS facilities located within 25 miles of state seaward boundaries (i.e., within 25 miles of the outer boundary of territorial seas). It should be noted that the effluent guidelines and NSPS

promulgated today by this rule under the CWA apply to all activities located seaward of the inner boundary of the territorial seas and thus includes the territorial seas, the contiguous zone and the ocean.

The OCS rule establishes two separate regulatory regimes. For OCS sources within 25 miles of states' seaward boundaries, the requirements are the same as those that would be applicable if the source were located in the corresponding onshore area (COA). The National Ambient Air Quality Standard (NAAQS) attainment classification of the onshore area determines the degree of additional control and air emission offset requirements for OCS sources within 25 miles of a State seaward boundary (except in the Central and Western GOM planning areas). If any part of the onshore area adjacent to an OCS planning area is designated as nonattainment for a pollutant, then the regulatory requirements applicable to the nonattainment classification for that area would apply to the entire area of the OCS planning area within 25 miles of the State seaward boundary.

Sources located beyond 25 miles of the states' seaward boundaries are subject to federal requirements for Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS) and, to the extent that they are rationally related to the attainment and maintenance of federal or state ambient air quality standards or to PSD, National Emission Standards for Hazardous Air Pollutants (NESHAPS). All OCS sources operating adjacent to any State other than Texas, Louisiana, Mississippi, or Alabama will be subject to requirements under one of the above regimes.

In reevaluating the non-water quality environmental impacts associated with onshore disposal requirements for this rule, EPA considered the effect of the OCS air regulations and state requirements on the air emissions resulting from transporting drilling wastes. Areas requiring emissions offsets under the OCS air regulations (those adjacent to nonattainment areas) are located seaward of the outer boundary of the territorial seas (states' seaward boundary) to a distance of 25 miles from that boundary. Drilling activity within state waters would not come under the OCS air regulation, and those activities beyond the 25 mile delineation would not be subject to the limitations of a corresponding onshore area. Emissions in state waters would, however, be subject to state and local rules and may also require offsetting. In analyzing the impacts associated with this rule, EPA quantified potentially needed emission offsets and calculated their associated costs.

e. *Consumptive Water Use.* Since little or no additional water is required above that of usual consumption, no consumptive water loss is expected as a result of this final rule.

f. *Other Factors.* Impact of Marine Traffic on Coastal Waterways. In evaluating the impact of this rule on the potential for increased service vessel traffic, dredging, and the widening of navigation channels, EPA reviewed MMS data and industry comments regarding current practice in supply boat usage. The service vessel usage at offshore facilities may be as high as two supply boats per day and two crew boats per day during the exploration and development phases. In general, service vessels make three trips per week to exploration and development operations and one trip per week to production platforms. A boat may visit only one site or, if it is only going to production platforms, may visit as many as five platforms in a single trip.

The oil and gas industry in the Gulf of Mexico uses the extensive waterway system located within the Gulf coastal states to provide access between onshore support operations and offshore platforms and rigs. Oil industry support vessels moving along coastal navigation channels include crewboats, supply boats, barge systems, derrick vessels, geophysical-survey boats, and floating production platforms. Navigation channels serve as routes for service vessels traveling back and forth from service and supply bases. Generally, oil and gas industry use accounts for less than ten percent (10%) of all commercial usage of the Gulf coastal navigation channels according to MMS data.

The most recent data obtained from MMS show that about 25,000 service vessel trips are made annually to support oil and gas related activities in Federal waters of the Gulf of Mexico. The MMS data does not include vessel traffic destined for coastal or offshore activities in the State territorial seas and therefore undercounts actual boat traffic. (Note that, in the Gulf of Mexico, about 8 percent of existing platforms and 14 percent of projected new drilling activity in the offshore subcategory is within state territorial seas.) In estimating the vessel traffic resulting from this rule, EPA projected that transporting drilling wastes ashore from a well subject to zero discharge would require, on average, 5 to 6 service vessel trips and result in an incremental increase of approximately 740 service vessel trips per year. Ninety percent (90%), or 670, of these boat trips would take place in the Gulf of Mexico. Despite the limitations of the MMS data, it does indicate that the incremental increase in boat traffic due to this rule would be less than three percent (3%) of all service vessel traffic.

In evaluating impacts of vessel traffic for its Environmental Impact Statement for its five-year comprehensive program, MMS projected that an additional 100,000 service vessel trips will result from planned leasing and development activities. Although this boat activity will occur over the life of the new activities, the majority of the vessel traffic is expected to occur within the next 10–15 years. Upon analysis of current and projected vessel traffic and data on navigational channel usage, MMS concluded that some maintenance dredging or deepening of navigation channels may be required, but no new navigation channels were anticipated due to the increased traffic.

Since service vessels must have unimpeded access to supply bases to continue servicing offshore activities, maintenance dredging of navigation channels will be required regardless of whether this rule is promulgated. The channels used by vessel traffic in transporting drilling wastes to onshore disposal sites will also continue to be maintained since over 700,000 barrels of offshore-generated drilling wastes are already being transported to shore in compliance with NPDES permit limitations. Recalling that oil and gas related traffic accounts for less than ten percent of all commercial use of the navigation channels and that oil/gas related vessel traffic resulting from this rule will increase by less than three percent (3%), any increase in vessel traffic due to this rule would be small in relation to the total commercial boat traffic in these channels (3% of 10% equals 0.03%). No significant increase in dredging activities is anticipated as a result of this rule.

Safety

The industry has argued that injuries and fatalities would increase as a result of hauling additional volumes of drilling wastes to shore. EPA acknowledges that safety concerns always exist at oil and gas facilities, regardless of whether pollution control is required. EPA believes that the appropriate response to these concerns is adequate worker safety training and procedures as is practiced as part of the normal and proper operation of offshore oil and gas facilities.

Administrative/Enforcement Considerations

Administrative burden and enforcement issues associated with this rule were considered and are discussed in the following section on options selection.

5. BCT Option Selection

EPA has selected the "3 Mile Gulf/California" option for BCT effluent limitations for drilling fluids and drill cuttings. Drilling fluids and drill cuttings from wells drilled by existing sources at a distance of 3 miles or less from shore will be prohibited from discharge. Wells drilled by existing sources at a distance greater than 3 miles from shore would be allowed to discharge drilling fluids and drill cuttings after meeting the limitation for no discharge of free oil as determined by the static sheen test. However, for BCT in the Alaska region the BCT limitation for all wells is being set at no discharge of free oil as determined by the static sheen test. The exclusion from zero discharge only applies to drilling operations off Alaska; all other offshore regions, including those in which no drilling activity is currently taking place, must comply with the prohibition on discharges of drilling fluids and drill cuttings within 3 miles from shore.

As discussed above in section VII.A.2 under each option considered Alaska was excluded from the zero discharge requirement because specific situations exist in Alaskan waters (State and OCS waters off of Alaska) which make marine transport and onshore disposal of offshore-generated drilling wastes difficult. Reasons for this primarily relate to the severe weather conditions. Because of sea ice, tugs and barges can only be used for a short period of time in the summer during open water/broken ice season. In addition, winter snow and fog conditions restrict visibility. White-out conditions occur restricting air and water travel. EPA also considered the long distances (both offshore and onshore) required to transport the wastes to areas which may be suitable for land disposal, and the lack of current land disposal sites. For these reasons EPA is excluding wells drilled off Alaska from the zero discharge requirement. However, the discharges of drilling fluids and drill cuttings from all wells drilled in the offshore subcategory off of Alaska will be required to comply with the prohibition on discharges containing free oil.

The "3 Mile Gulf/California" option, when compared to the other options considered for the control of drilling fluids and drill cuttings, will result in progress toward the goal of the Clean Water Act to eliminate the discharge of all pollutants while providing the appropriate balance of the considerations required under the Act. As discussed in the above section on BCT costs, this option passes both BCT cost reasonableness tests and is economically achievable. EPA believes the non-water quality environmental impacts associated with the "3 Mile Gulf/California" BCT limitations, in conjunction with those additional impacts associated with the BAT and NSPS limitations on discharges of drilling fluids and drill cuttings and the impacts due to the coastal drilling general permit for Texas and Louisiana, are reasonable. The non-water quality environmental impacts are discussed in more detail in section VII.A.4 of this Notice and the Development Document.

EPA rejected a 4-mile zero discharge delineation due to the small difference in the number of new wells to be drilled between 3 and 4 miles, and comments identifying this mileage as causing some confusion and burden on permitting and inspection authorities and operators as well as a desire expressed by states and federal regulators to make the zero discharge zone consistent with the 3-mile delineation for state waters under the CWA. EPA has also rejected the "8 Mile Gulf/3 Mile California" and "Zero Discharge Gulf/California" options in large part due to non-water quality environmental impacts as discussed below. Since proposal, EPA has reevaluated the non-water quality environmental impacts and has determined that several factors have changed: the amount of waste to be disposed onshore under this rule, the amount of waste projected to be disposed onshore under the coastal drilling permit, and the disposal capacity for disposing of drilling fluids and drill cuttings. In reassessing the pollutant removals and non-water quality environmental impacts for this final rule, EPA revised downward the projections of energy requirements, air emissions, solid waste (drilling waste) requiring onshore disposal, and available "excess capacity" at permitted facilities available for disposal of drilling fluids and drill cuttings.

Prohibition on the discharge (zero discharge) of drilling fluids and drill cuttings as a treatment and control method (except for Alaska) was identified in the March 1991 proposal as technologically available and cost reasonable (passed BCT cost test). EPA rejected that option requiring zero discharge of all drilling wastes at the time of proposal because of concerns related to associated non-water quality environmental impacts. In this final rule, EPA rejects the "Zero Discharge Gulf/California" option because the incremental increase in drilling wastes (6.6 MMbbl/yr of drilling fluids and drill cuttings) requiring onshore disposal exceeds the onshore disposal capacity in the Gulf coast region and air emissions (54 tons/year) in the California region would be unacceptable.

As discussed above, under all options except "Zero Discharge Gulf/California," zero discharge off the coast of California was limited to a distance of three miles from shore. The Southern California air basin currently is in nonattainment of National Ambient Air Quality Standards (NAAQS) and the level of air emissions associated with some options considered for this rulemaking is significant. This region has undergone strict controls on air emissions for a number of years in an attempt to improve air quality. Although the absolute quantity of emissions anticipated off California due to compliance with today's rule are substantially less than those projected for the Gulf of Mexico, the California air basin is one in which impacts on air quality are of particular concern. Air quality in the Gulf region is generally much better than in California and, since controls on air emissions in the Gulf region are generally less stringent than in California, there are many options available in the Gulf region if needed to offset increased air emissions. In California, however, air quality controls have reached a point where it is much more difficult to obtain necessary offsetting reductions in air emissions. In evaluating the air emissions in this rulemaking, EPA determined that establishing a zero discharge limitation at 6 or 8 miles from shore, or for all wells off of California would result in an unacceptable level (42 to 54 tons/year) of air emissions. In setting the zero discharge requirement at a distance of 3 miles from shore, air emissions are significantly reduced to an acceptable level (3.3 tons/year). With regard to the drilling waste volumes for the California region, EPA identified no onshore disposal capacity problem and determined that sufficient disposal capacity exists for the volume of drilling waste anticipated under any regulatory option, including zero discharge from all wells. Energy requirements (440 bbl of diesel fuel per year) in this region were also determined to be acceptable under all regulatory options.

EPA rejects the "8 Mile Gulf/3 Mile California" option also because of unacceptable non-water quality

environmental impacts. The amount of drilling fluids and drill cuttings that would be required to be disposed of onshore under this rule and the general permit for coastal drilling in the Gulf of Mexico would consume approximately 45 percent of the excess disposal capacity in the Gulf coast region. EPA believes that selecting this option does not leave an adequate capacity margin to dispose of wastes from current offshore activities in which drilling wastes fail the static sheen, toxicity or metals limits (or from the zero discharge zone) and future offshore, coastal, or onshore drilling activities not anticipated by EPA, or other reductions in capacity caused by cessation of operation (voluntarily or through revocation of existing permits) of currently permitted sites. EPA's selected option of setting the zero discharge requirement at a distance of 3 miles from shore reduces the onshore disposal volume to an acceptable level.

EPA received a number of comments recommending the establishment of the zero discharge zone at 3 miles from shore. At proposal, EPA considered the 3 mile distance in addition to the distances discussed above. However, EPA declined to choose that distance in its preferred option because industry profile information on existing platforms within 3 miles from shore was limited and projections for new well drilling activity within 3 miles needed additional confirmation. In the 1991 proposal, EPA solicited information regarding activity within State waters (3 miles), and stated that it would consider setting the final rule on distances other than 4 miles, including a 3-mile delineation, if additional information regarding activity in State waters became available. Subsequent to the proposal, EPA received additional data on the number and location of existing platforms which increased estimates of existing platforms and confirmed earlier estimates of projected activity within 3 miles of shore.

EPA also received comments regarding the potential for confusion and the administrative burden in selecting a delineation other than the pre-existing 3-mile boundary between State territorial seas and Federal waters. In all offshore areas with the exception of Texas and the Gulf coast of Florida, States assert jurisdiction over the mineral rights off their shores up to a distance of three miles. There is overlapping jurisdiction under the CWA and the Submerged Lands Act (SLA) (43 U.S.C. 1301, et seq.). Under the CWA, States have jurisdiction over waters extending three miles from shore. Persons discharging to these waters are required to comply with any state water quality standards. Under the SLA, Texas and Florida exercise mineral rights in the Gulf of Mexico up to 3 marine leagues (approximately 10.35 miles). In waters beyond 3 miles, or 3 marine leagues for Texas and Florida, the Minerals Management Service (MMS) of the Department of the Interior leases mineral rights and manages OCS mineral operations under the authority of the Outer Continental Shelf Lands Act (OCSLA). MMS conducts periodic inspections of offshore oil and gas activities in the Federal waters under the OCSLA and, under a Memorandum of Understanding (MOU) with EPA, conducts NPDES compliance inspections on behalf of EPA in those areas. Commenters asserted that it would be more appropriate to select the State/Federal water boundary as the delineation for a zero discharge limitation, rather than the 4-mile limit so that MMS or the Region would not have to inspect for zero discharge at any facilities within the one-mile band between 3 and 4 miles while inspecting for compliance with a different set of discharge limitations beyond 4 miles. EPA also believes that the three mile option, which is consistent with state waters under the CWA, will help to simplify the regulatory framework applicable to offshore waters. Another factor considered by EPA is that only about 12 wells per year (less than two percent of the total wells drilled annually) are expected to be drilled in the one-mile band between three and four miles from shore.

EPA agrees that these administrative and enforcement concerns are valid and has agreed to adopt the 3-mile option in the interest of simplifying the regulatory framework applicable to offshore oil and gas activities.

B. BAT and NSPS

1. BAT and NSPS Options Considered

Following a review of the comments and data received in response to the proposal, EPA modified the control and treatment options in developing the final rule. Three options were considered for BAT and NSPS control and treatment of drilling fluids and drill cuttings for the final rule. These options set BAT and NSPS limitations identical to BCT limits with respect to areas of zero discharge for drilling fluids and drill cuttings. BAT and NSPS limits differ from BCT in that they place additional limitations on the discharge of toxic and non-conventional pollutants for areas (greater distances from shore) in which discharges are permissible. NSPS is also limiting the discharge of conventional pollutants. These limitations are being placed on the drill cuttings as well as the drilling fluids because the data show that drilling fluid adheres to drill cuttings and is discharged along with the drill cuttings. The same pollutants found in drilling fluids are thus found on the drill cuttings.

The BAT and NSPS limitations on permissible discharges of drilling fluids and drill cuttings (e.g., those facilities not covered by the zero discharge limitations) consist of four basic requirements: (1) A toxicity limitation set at 30,000 ppm in the suspended particulate phase; (2) a prohibition on the discharge of diesel oil; (3) no discharge of free oil based on the static sheen test; and (4) limitations for cadmium and mercury set in the stock barite at 3 mg/kg and 1 mg/kg, respectively.

The 30,000 ppm toxicity limitation, prohibition on discharges of diesel oil and free oil, and the limitations on mercury and cadmium in the stock barite are required by general NPDES permits in Region 6 and 10 (Region 10's pre-approval method for toxicity is based on the 30,000 ppm limit). In Region 6, compliance with the no discharge of free oil limitation is allowed by either the visual or static sheen test. Permits in Regions 4 and 9 also include limits similar to the BAT and NSPS limits of this rule. To the extent that the limitations of this rule are already required by permits, EPA believes that this demonstrates that the limits are technologically available and economically achievable. The availability and economic achievability of the limitations included in this rule are further discussed in other sections of this preamble, the Development Document and the Economic Impact Analysis (EIA).

The 30,000 ppm toxicity limitation is technologically available and economically achievable and reflects the BAT and NSPS levels of control, as discussed in sections XIV and XVI of the preamble, the Development Document and the EIA. The limitation is the same as that proposed. The purpose of the toxicity limitation is to encourage the use of water-based or other low toxicity drilling fluids and the use of low-toxicity drilling fluid additives.

EPA believes that the 30,000 ppm toxicity limit on drilling fluids and drill cuttings is an appropriate BAT/NSPS limit based on product substitution and/or transporting drilling wastes to shore for disposal. For the rationale as to why EPA selected this limitation see section XVI. EPA has evaluated product

substitution and barging/onshore disposal and finds these technologies to be available and economically achievable for this industry, resulting in no barrier to future entry. Product substitution refers to the substitution of lower toxicity drilling fluids and additives in place of higher toxicity fluids and additives. Product substitution as required in the Region 10 general permits for oil and gas facilities offshore Alaska and in the Region 6 general permit for oil and gas activities in the Gulf of Mexico has been upheld by two Federal Circuit Courts. See *API* v. *EPA*, 858 F.2d 261 (5th Cir. 1988) revised opinion, 864 F.2d 1156 (5th Cir. 1988) (Reg. 10 permit); *NRDC* v. *EPA*, 863 F.2d 1420 (9th Cir. 1988) (Reg. 6 permit). These standards are not expected to have any significant non-water quality environmental impacts mainly because the toxicity limits are already applied by existing permits and operators utilize product substitution wherever possible to prevent the need for onshore disposal. Where the toxicity of the spent drilling fluids and cuttings exceeds the toxicity limitation, the method of compliance with this limitation would be to transport the spent fluid system to shore for either reconditioning/reuse or land disposal. Further discussion on the implementation of the toxicity limitation is presented in section XX.

The prohibitions on the discharge of free oil and diesel oil are intended to limit the oil content in drilling fluids and drill cuttings wastestreams and thereby control the priority as well as conventional and nonconventional pollutants present in those oils. The pollutants free oil and diesel oil are each considered to be "indicators" of the toxic and nonconventional pollutants in the complex hydrocarbon mixtures present in those oils. An indicator pollutant is one that, by its regulation, will provide control on discharges of one or more toxic pollutants. Diesel oil is being regulated as a nonconventional pollutant and an indicator because it contains such toxic organic pollutants as benzene, toluene, ethylbenzene, naphthalene and phenanthrene. Free oil is being regulated as a nonconventional pollutant and an indicator of the toxic and nonconventional pollutants found present in crude and other oils, and (under NSPS) as a surrogate for oil and grease in recognition of its previous use under BPT. The sampling and analysis data demonstrate that when the amount of oil is reduced in drilling fluids, the concentrations of priority and nonconventional pollutants present in the fluid (and that portion of drilling fluid which adheres to drill cuttings) are reduced. EPA has determined that the controls on diesel oil and free oil will provide BAT and NSPS-level control of the toxic and nonconventional pollutants present in drilling fluids and drill cuttings. This method of toxic regulation is necessary because it is not feasible to establish specific limitations upon each of the toxic pollutants present in the drilling fluids and drill cuttings.

In the March 1991 proposal, EPA proposed a prohibition on the discharge of drilling fluids and drill cuttings containing diesel oil in detectable amounts. Comments received in response to the March 1991 proposal questioned the need to consider detectability and expressed concern regarding the potential for confusion over the term "in detectable amounts." EPA agrees that inclusion of the term "in detectable amounts" was superfluous. Since the proposed prohibition was an absolute prohibition on any diesel (whether as a mud system component or an additive for any purpose), any drilling fluid system to which an operator had added diesel oil would be automatically prohibited from discharge, regardless of its concentration and whether or not it was above the analytical level of detection. In addition, any drill cuttings associated with that diesel-contaminated drilling fluid system would also be prohibited from discharge. The term "in detectable amounts" has been deleted in this final rule since the discharge of all drilling fluids and drill cuttings containing diesel oil is prohibited.

The discharge of diesel oil, either as a component in an oil-based drilling fluid or as an additive to a water-based drilling fluid, would be prohibited under the BAT and NSPS limitations of this rule. The method of compliance with this prohibition is to: (1) Use mineral oil instead of diesel oil for lubricating and spotting purposes; or (2) transport to shore for recovery of the oil, reconditioning of the drilling fluid for reuse, and land disposal of the drill cuttings. EPA believes that in most cases substitution of mineral oil will be the method of compliance with the diesel oil discharge prohibition. Mineral oil is a less toxic alternative to diesel oil and is available to serve the same operational requirements.

The diesel oil prohibition is technologically available because an operator may substitute the diesel with mineral oil and water-based drilling fluids. Whenever this is not possible, the operator can transport the drilling fluids and drill cuttings to shore for treatment and/or disposal. The diesel oil prohibition is not expected to have any significant non-water quality environmental impacts and is economically achievable as shown in section XIV of the preamble and the EIA. Existing NPDES permits prohibit the discharge of oil-based drilling fluids as well as diesel added to a drilling fluid for lubricating purposes or a pill to free a stuck drill pipe.

The prohibition on discharges of free oil as determined by the static sheen test is technologically available and economically achievable and reflects the BAT and NSPS levels of control. The static sheen test requires the operator to collect a measured sample volume, mix it with a volume of receiving water in a container, and observe for the presence of a sheen. This pre-discharge test is preferable to the post-discharge visual sheen test because it prevents discharges of fluids containing free oil, rather than merely observing (after the discharge) for any noncompliance with the requirement. Further, the static sheen test is performed under carefully controlled conditions (such as lighting and viewing aspect) and can be performed at any time, while the visual sheen test (and thus discharges relying upon the visual sheen test) can only be conducted under conditions in which the operator can see the surface of the water and observe for the presence of a sheen. The existing BPT limitation prohibits discharges of free oil for drilling fluids and drill cuttings. Existing permits in Region 9 and 10 require operators to use the static sheen test to determine compliance with the no discharge of free oil limit. In Region 6, compliance may be determined by either the static sheen or visual sheen test. This limitation is not expected to result in any significant non-water quality environmental impacts under this rule.

Mercury, cadmium and other metals present in discharges of drilling fluids and drill cuttings are often also found present as impurities in the barite used as a weighting agent in drilling fluid systems. In this rule, EPA is limiting mercury and cadmium in the stock barite as indicator pollutants to control the metals content of the drilling fluids and drill cuttings discharges. Compliance with this limitation is based on product substitution of barite from sources that either do not contain these metals or contain the metals at levels below the limitation.

A number of studies have found that the level of metals impurities in barite is a function of the barite source. Barite deposits occur primarily as either vein or bedded deposits. The concentrations

of trace metals, including cadmium, mercury, iron, lead, zinc, mercury, arsenic, tin, titanium, and chromium vary considerably in mined deposits. The bedded, or "clean barite," deposits are relatively pure deposits with trace metals typically at very low levels. Vein, or "dirty barite," deposits are quite impure and contain elevated levels (10–100 times above those of clean barite) of the metals. EPA has evaluated data to determine whether limiting the levels of cadmium and mercury in stock barite would also limit the concentrations of other metals as well. The results of EPA's analysis showed that for cadmium in barite, the metals with positive correlations (the metals were reduced when cadmium was reduced) include arsenic, sodium, tin, titanium and zinc. For mercury in barite, the metals with positive correlations include chromium, lead, molybdenum, sodium, tin, vanadium and zinc. Based on this data, EPA believes limiting cadmium and mercury in stock barite as indicator pollutants will also limit other related metals in discharges of drilling fluids and drill cuttings. This method of regulation is necessary because it is not feasible to establish specific limitations for each of the toxic pollutants present in this wastestream. Based on data in the API/USEPA Metals Data Base, the availability and metals content of clean barite sources, the barite volumes required to support offshore drilling operations, and existing NPDES permit requirements, EPA has determined that the BAT and NSPS limitations should be set at 1 mg/kg for mercury and 3 mg/kg for cadmium, on a dry weight basis as measured in the stock barite.

In the 1985 proposal, EPA included proposed limitations of 1 mg/kg each (maximum) of cadmium and mercury in the discharge of the whole drilling fluid on a dry weight basis (essentially an end-of-pipe limitation). In the 1988 notice and 1991 proposal, EPA presented several additional alternative limitations on mercury and cadmium for drilling fluids and drill cuttings. One of these alternative limitations presented by EPA in the 1991 proposal was a limitation of 3 mg/kg of cadmium and 1 mg/kg of mercury based on stock barite composition. In its preferred option presented in the March 1991 proposal, EPA proposed setting the limitation on cadmium and mercury at 1 mg/kg each in the whole drilling fluid.

Subsequent to the March 1991 proposal, EPA received comments and information regarding the potential for the presence of cadmium in the formation itself to cause noncompliance with limitations applied at the point of discharge. In these comments, many industry representatives recommended establishing limits in the final rule on cadmium and mercury in the stock barite at 3 mg/kg and 1 mg/kg, respectively. EPA has analyzed data from the American Petroleum Institute's Fifteen Rig Study. In this study, samples of drill cuttings, used drilling fluid, and barite from a number of drilling sites were sampled for metals content. Results of EPA's statistical analysis indicate that some cadmium present in the drilling fluids came from a source other than the barite. Therefore, product substitution could not ensure compliance with the end-of-pipe limitation in the whole drilling fluid proposed in March 1991. In this final rule, EPA has rejected control alternatives establishing limitations on cadmium and mercury at the point of discharge and is instead setting the limitations in the stock barite.

The limitations on cadmium and mercury in stock barite are technologically available and economically achievable and reflect the BAT and NSPS levels of control. EPA has investigated the adequacy of available foreign and domestic supplies of barite to meet the final mercury and cadmium limits of the rule. This investigation compared foreign and domestic supplies, with compositions adequate to meet the final limits, to the projected industrial demand. The conclusion was that there are sufficient supplies of barite capable of meeting the limits of this rule to meet the needs of offshore drilling operations. As part of its investigation, EPA also considered the potential for the increased demand for clean barite stocks resulting from this rule to cause a rise in the cost of barite. The estimated increase in barite costs was included in EPA's economic impact analysis for the rule and found to be economically achievable. (See the Development Document, EIA and rulemaking record for a detailed discussion of the availability and economic achievability of the cadmium and mercury limitations.) Existing general NPDES permits in Regions 6 and 10 limit cadmium and mercury in the stock barite at 3 mg/kg and 1 mg/kg, respectively. Existing permits in Region 9 also limit cadmium and mercury in the stock barite. Since most existing permits already limit cadmium and mercury in the stock barite, and compliance with the limit is assured prior to the start of drilling operations by obtaining clean barite sources, no significant non-water quality environmental impacts associated with the cadmium and mercury limits are anticipated.

2. Non-Water Quality Environmental Impacts and Other Factors

The non-water quality environmental impacts associated with the BAT and NSPS limitations of this rule are the same as discussed for BCT in section VII.A.4.

3. BAT and NSPS Option Selection

EPA has selected the "3 Mile Gulf/California" option, and rejected the other BAT and NSPS options considered, for the final effluent limitations (BAT) and new source performance standards (NSPS). This option is technologically available and economically achievable and reflects the BAT and NSPS levels of control. Also, EPA considered non-water quality environmental impacts in selecting the final BAT and NSPS options. These considerations are summarized in section VIII.A describing the BCT option selection. This selected option will prohibit the discharge of drilling fluids and drill cuttings from new and existing sources at a distance of three miles or less from shore. New and existing sources at a distance greater than three miles from shore would be permitted to discharge drilling fluids and drill cuttings after meeting the following requirements: (1) A toxicity limitation set at 30,000 ppm in the suspended particulate phase; (2) a prohibition on the discharge of diesel oil; (3) a prohibition on the discharge of free oil as determined by the static sheen test; and (4) limitations of 3 mg/kg for cadmium and 1 mg/kg for mercury in the stock barite. However, for the Alaska region, discharges of drilling fluids and drill cuttings from existing sources will be excluded from the zero discharge limitation. As previously discussed for BCT, discharges in this region are excluded from zero discharge because of the special climate and safety conditions that exist for parts of the year that make marine transportation of drilling wastes particularly difficult and hazardous, the lack of current onshore disposal sites, and the long distances (offshore and onshore) over which the transportation of these wastes would have to occur. Instead, all wells drilled offshore of Alaska will be required to comply with the limitations on free oil, diesel oil, toxicity, and metals content in barite.

VIII. Basis for the Final Regulation—Produced Water

A. BCT

1. BCT Options Considered

EPA evaluated reinjection of produced water into underground

formations, granular filtration, membrane filtration, and gas flotation as options for the technology basis for the limitations established in final rule.

EPA rejected membrane filtration as a technology basis for the rule because it has not been sufficiently demonstrated as available to support national effluent limitations at this time. In the proposal, EPA selected membrane filtration as the preferred technology basis for BAT and NSPS produced water limitations. Membrane filtration is a commercially demonstrated technology in other industries and several manufacturers have been developing this technology for treatment of produced water. Although not yet available to the offshore oil and gas industry, operators have shown interest in membranes and some offshore testing of full-scale systems has begun. In the 1991 proposal, EPA relied upon pilot scale test data in proposing oil and grease limitations. In April 1991, EPA conducted a field study of a membrane filtration unit installed on an offshore platform to obtain additional full-scale data and performance information. Information collected by EPA during the field study and comments submitted by the industry in response to the proposal indicate that the membrane system tested at full-scale still suffers from periodic operational problems (e.g., clogging, actual treatment capacity less than design capacity). EPA continues to believe that further development of membrane systems (either that system already undergoing full scale testing, or other membrane systems under development) should enable full-scale systems capable of long-term, effective treatment of produced water. However, data currently available does not support selection of this technology as a basis for this rule.

Although technologically and economically achievable, granular filtration was rejected as the technology basis for this final rule. EPA's evaluation of granular filtration performance data indicates that, while this technology does provide some removals of priority and nonconventional pollutants, the pollutant removal efficiency of granular filtration is generally not as effective as that attainable through improved operation of gas flotation technology. In addition, the capital and annual operation and maintenance costs associated with granular filtration are significantly higher than the costs of gas flotation systems.

The four options selected for final consideration in developing BCT limitations for produced water discharges were based either on reinjection or gas flotation technologies.

BPT All Structures: EPA included as an option setting BCT equal to BPT. By doing so, EPA realized that the removals of conventional pollutants due to compliance with stricter standards may not be cost reasonable under the BCT cost tests.

Flotation All: All discharges of produced water, regardless of the water depth or distance from shore at which they are located, would be required to meet limitations on oil and grease content at 29 mg/l monthly average and a daily maximum of 42 mg/l. The technology basis for these limits is improved operating performance of gas flotation.

Zero Discharge 3 Miles Gulf and Alaska: Wells located at a distance of 3 miles or less from shore would be prohibited from discharging produced water. Facilities located more than 3 miles from shore would be required to meet oil and grease limitations of 29 mg/l monthly average and 42 mg/l daily maximum based on the improved operating performance of gas flotation technology. Because of the unacceptable level of air emissions associated with reinjection off California, all wells off California would be excluded from the zero discharge requirement. Currently existing single-well dischargers in the Gulf of Mexico would also be excluded from the discharge prohibition because the economic impacts of a zero discharge limit on these projects would result in immediate shutdown and cause significant production impacts. As considered for this rulemaking, single-well dischargers are defined as single-well facilities which operate their own, and do not share, produced water treatment systems. Discharges of produced water from these excluded facilities would be required to comply with the oil and grease limitations based on improved operating performance of gas flotation technology.

Zero Discharge Gulf and Alaska: This option would prohibit all discharges of produced water based on reinjection of the produced water. All facilities off California and all currently existing single-well dischargers in the Gulf of Mexico would be excluded from zero discharge requirement. They would, however, be required to comply with the oil and grease limitations developed based on improved operating performance of gas flotation technology.

In referring to the options considered for control of produced water discharges, the Gulf of Mexico, California and Alaska regions are used in the option descriptions and accompanying discussion. Use of these regions in this way is only a "shorthand" way of referring to regulatory options and does not exclude other geographic areas from coverage under this rule. For the BCT, BAT and NSPS limitations under this rule, all offshore areas other than offshore California and Alaska would be required to comply with the limitations established for the Gulf of Mexico.

2. BCT Options Selection

The options considered for BCT regulation were evaluated according to the BCT cost reasonableness tests. The pollutant parameters used in this analysis were total suspended solids (TSS) and oil and grease. All options, except the "BPT All Structures" option, fail the BCT cost reasonableness test. The range of results for the POTW test (first part of the BCT cost reasonableness test) test is $10.02 to $32.53 per pound of conventional pollutant removed. A value less than $0.46 per pound is required to pass the POTW test. Thus, EPA is establishing the BCT limitation in this final rule equal to BPT (48 mg/l monthly average; 72 mg/l daily maximum) for produced water. There are no non-water quality environmental impacts associated with this BCT limitation. The BCT cost reasonableness tests for the produced water options are discussed in more detail in the Development Document.

B. BAT and NSPS

1. BAT and NSPS Options Considered

The BAT limitations considered for produced water are similar to those previously discussed for BCT. The only difference is that while BCT options are intended to control the conventional pollutants, BAT options focus on the control of toxic and nonconventional pollutants. Oil and grease remains the only regulated pollutant in produced water. Oil and grease is being limited under BAT as an indicator pollutant controlling the discharge of toxic and nonconventional pollutants. Oil and grease is being limited under NSPS as both a conventional pollutant and as an indicator pollutant controlling the discharge of toxic pollutants.

The options considered for NSPS are similar to those considered for BAT, with the only exception being that the exclusion for single-well dischargers from the zero discharge limitation is not applicable under NSPS. The single-well exclusion for BAT was developed because the costs associated with requiring existing single-well dischargers to retrofit filtration and reinjection equipment are sufficiently high that a zero discharge limitation is not economically achievable and immediate shutdown of these facilities will result in unacceptable production impacts, as discussed further in section VIII.B.3, below. Since new sources are able to allow for adequate space in designing new facilities and compliance costs are less for the new sources, economic and production impacts on these facilities will be less than the impacts on existing sources.

2. Non-Water Quality Environmental Impacts

In assessing non-water quality environmental impacts for produced water, EPA projected energy requirements and air emissions associated with the regulatory options considered. The following is a description of the non-water quality environmental impacts and a summary of the results of the evaluations identifying the estimated levels and impacts for each option.

a. *Energy Requirements and Air Emissions.* Energy requirements and resulting air emissions for the control options considered by EPA are presented in Table 9. Estimates are presented incremental to current BPT limitations and thus represent the expected increase above current emissions levels and energy consumption. On September 4, 1992, EPA promulgated new regulations establishing requirements to control air pollution from outer continental shelf (OCS) sources (57 FR 40792). These new requirements on air emissions apply to all OCS sources located offshore of the states along the Pacific, Arctic, and Atlantic coasts and along the Gulf coast off the state of Florida. Those OCS sources located in the Gulf of Mexico west of 87.5 degrees longitude (i.e., off the coasts of Texas, Louisiana, Mississippi and Alabama), where the majority of offshore oil and gas activities are located, are not covered by the new rules. Sources of air pollution from offshore activities include leaks, oil-water separators, dissolved air flotation units, painting apparatus, and storage tanks, but more significantly diesel or gas engines for generating electrical power or driving reinjection pumps.

Energy consumption for the different options was determined based on the produced water flowrates and the associated power requirements of the treatment systems. For the zero discharge limitation requiring reinjection of produced water, energy consumption was based on gas-driven pumps operating at injection pressures of 1,800 psi. Gas-driven pumps are generally preferred by operators for use on offshore platforms because the structures typically have gas production on-site which can serve as the fuel source. When using electric-driven injection pumps, fuel must be consumed to generate electricity, then converted back to mechanical energy to pump the produced water underground. The extra energy conversion step needed for electrical reinjection pumps increases fuel requirements because of the reduced process efficiency. Electrical power is the energy source for gas flotation units. The energy consumption associated with gas flotation systems was derived based on power requirements and the fuel necessary to produce that level of electrical power.

Air emissions calculated for produced water treatment options include nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO_2) and hydrocarbons (HC). Air emissions were determined by applying emission factors which estimate air emissions associated with the consumption of fuel. The methodologies used to estimate fuel consumption and calculate air emissions are described in more detail in the Development Document.

As illustrated in Table 9, the option requiring zero discharge of all produced water greatly increases air emissions and fuel requirements as compared to the flotation all option. This is due primarily to the energy required to operate the injection pumps.

TABLE 9.—NON-WATER QUALITY ENVIRONMENTAL IMPACTS PRODUCED WATER

Option	Fuel requirements (thousand BOE/yr)		Total emissions (tons/yr)	
	BAT	NSPS	BAT	NSPS
Flotation All	157	89	169	91
Zero Discharge 3 Miles Gulf & Alaska	155	152	165	164
Zero Discharge Gulf & Alaska	977	785	1,041	849

BOE: Barrel of oil equivalent.

3. BAT and NSPS Options Selection

EPA has selected the "Flotation All" option for the final BAT and NSPS limitations for produced water. This option requires all existing and new sources to meet discharge limitations on oil and grease content (29 mg/l monthly average; 42 mg/l daily maximum) based on improved performance of gas flotation technology. EPA has determined this option to be available and economically achievable and reflects the BAT and NSPS levels of control. Oil and grease is being regulated under BAT as an indicator pollutant for toxic and nonconventional pollutants. Under NSPS, oil and grease is being regulated both as a conventional pollutant and as an indicator for toxic and nonconventional pollutants.

Gas flotation is a technology which has been used for many years in the treatment of produced water at offshore oil and gas platforms and served as the technology basis for BPT effluent limitations. Currently, approximately 35 percent of offshore platforms use gas flotation in their produced water treatment systems. At proposal, EPA considered establishing limitations based on improved operation and maintenance of gas flotation technology. At that time, EPA identified problems associated with the performance evaluation that served as the basis for limitations considered at proposal. Subsequent to the proposal, EPA received a number of comments from industry claiming that the gas flotation technology was indeed capable of serving as the basis for BAT and NSPS limitations and submitted data as support. These comments and data support EPA's contention in the proposal that improved performance was achievable for gas flotation treatment systems and the data submitted corrected earlier limitations of the performance evaluation. The development of the produced water limitations is discussed in more detail in section V.B.1 of the preamble, the Development Document and record for the rule.

EPA rejected the most stringent option, zero discharge based on reinjection. Although reinjection technology is feasible in some circumstances, some facilities cannot reinject produced water because of geologic conditions in specific locations. Also, the air emissions (1,041 tons/year for BAT; 849 tons/year for NSPS) and energy requirements (977,000 BOE/year for BAT; 785,000 BOE/year for NSPS) associated with this option at offshore facilities, especially in light of the air emissions and energy requirements associated with potential future requirements for facilities in the

coastal subcategory (see e.g., proposed produced water permit proposing zero discharge of produced water based on reinjection at coastal facilities in Louisiana and Texas, 57 FR 60926 (December 22, 1992)), are unacceptably high. EPA also considered that a zero discharge requirement based on reinjection under BAT would result in capital costs of $3 billion, with a peak annualized cost of $737 million (year 1; 1991 dollars). Zero discharge based on reinjection under NSPS would result in capital costs of $2.6 billion, with a peak annualized cost of $391 million (year 15; 1991 dollars). In light of the statutory mandate to consider cost in setting BAT and NSPS, and the possibility that the industry might be required to bear the costs of reinjection in the coastal subcategory, EPA considered the very high aggregate cost on a nationwide basis in reinjecting the reinjection option. Also, reinjection for all production structures (both new and existing sources) is projected to result in a 1.0 percent loss in production (121 million barrels of oil equivalent (BOE)) over the 15-year period analyzed for this rule. This production loss, especially in light of the production loss that may occur as a result of potential future requirements for facilities in the coastal subcategory, are unacceptably high. This loss of production is not merely a cost concern. Loss of production has independent significance in light of the statutory directive that EPA consider energy impacts in establishing effluent limitations guidelines and new source performance standards under the Clean Water Act.

Finally, although reinjection is the only technology identified that would control naturally occurring radioactive materials (NORM) that may be present in produced water at offshore facilities, EPA believes that it would be premature to require zero discharge based on reinjection at this time. EPA has examined the existing information concerning the presence of radionuclides in the effluent of offshore oil and gas facilities. The results of this analysis are summarized in two support documents entitled "Prevalence of Radium in the Gulf of Mexico," (EPA January 15, 1993) and "Summary of Produced Water Radioactivity Studies," (EPA January 1993).

As is discussed in more detail in these documents, the data concerning the presence of radionuclides in the offshore subcategory are limited and exist only for a small number of platforms throughout the offshore subcategory. Most of the data that exist are from facilities in the coastal subcategory; of the offshore data that exist, most sampling took place at facilities within three miles of the coast of Louisiana. In addition, the data that do exist show wide variability in the concentration of radionuclides in produced water. The limited data that exist are not from studies designed to determine the distribution of radionuclides from oil and gas facilities across the offshore subcategory. In addition, EPA used the very limited data it has (data from a total of six platforms out of 2,549 platforms across the entire subcategory, which EPA does not believe are necessarily representative of produced water discharges across the entire Gulf of Mexico or the entire offshore subcategory) to make a preliminary estimate of risk to human health from produced water effluent in the offshore subcategory. As discussed further in the support document referenced above, in addition to EPA's uncertainty about whether the few platforms from which data were collected are representative of the entire subcategory, there are several additional difficulties inherent in these preliminary risk estimates.

EPA recognizes that it does not carry a high burden of demonstrating environmental harm from pollutants or of demonstrating environmental benefits of its technology-based effluent limitations guidelines and NSPS. EPA also does not have an obligation to sample each facility within a subcategory to identify pollutants to be regulated. At the same time, however, the CWA gives EPA discretion to determine when it has sufficient information to make a decision to regulate a pollutant.

In the case of this particular rule, EPA has determined that it does not have sufficient information concerning the presence of radionuclides in produced water effluent across the entire subcategory to regulate radionuclides at this time. EPA believes that this is a close case, but given the limited amount of information EPA has characterizing the presence of radium in entire offshore subcategory, EPA is exercising its discretion not to control radium in this rule. While EPA believes that regulating radionuclides that may be present in produced water is premature, EPA intends to obtain more information about the presence of radionuclides in the offshore subcategory by requiring radium monitoring requirements in NPDES permits for this subcategory. EPA has promulgated such requirements in its most recent permit issued for the OCS in the Western Gulf of Mexico. (57 FR 54642; November 19, 1992).

EPA also rejected the Zero Discharge 3 Mile Gulf and Alaska option because EPA has determined that gas flotation is the appropriate technology basis for BAT and NSPS established by this rule. EPA has no basis in terms of the factors considered in making this determination and in rejecting zero discharge to require zero discharge for only a small segment of the facilities within the offshore subcategory.

IX. Basis for the Final Regulation—Produced Sand

A. BCT, BAT and NSPS Options Considered

EPA considered two options for this waste stream: (1) Establish the requirement equal to the current NPDES permit limitations prohibiting discharges of free oil; or (2) prohibit discharge of produced sand, technologically based on transporting to shore for treatment and/or disposal. The technology basis for the option limiting free oil content is a water or solvent wash of produced sands prior to discharge. The method of determining compliance with the free oil prohibition would be the static sheen test. The prohibition on the discharge of free oil (as an indicator of toxic and nonconventional pollutants) or the zero discharge requirement for produced sand would reduce or eliminate the discharge of any toxic pollutants in the free oil to surface waters.

B. Option Selection

EPA has selected the zero discharge option for BCT, BAT and NSPS control of produced sand. The technology basis for this limitation is transportation to shore for treatment and/or disposal. EPA has determined that zero discharge reflects the BCT, BAT and NSPS levels of control because, as it is widely practiced throughout the industry, it is both economically and technologically achievable. The total cost of zero discharge under the rule is estimated at $4 million (1991 dollars) for the entire offshore subcategory.

EPA does not consider the prohibition on the discharge of free oil indicative of a "best available" or "best demonstrated" technology. As discussed in section VI.C., onshore disposal is widely practiced throughout the industry as a means to comply with current NPDES permit limitations on free oil discharge. Onshore disposal is usually selected by operators because of economics (costs of on-site washing are comparable to costs of onshore disposal), logistic considerations (scheduling or space), or because the sand fails NPDES permit limitations

even after washing. Data submitted from an industry-sponsored study demonstrates the variability of oil content in washed produced sand. The oil content of washed produced sand in the study ranged from 0.66 to 4.2 percent by weight. With the exception of a small percentage of the sand which is removed periodically from piping low points and tank blowdowns, produced sand discharges are infrequent bulk discharges occurring during scheduled shutdowns of the produced water treatment system. Sand washing systems are generally contracted from service companies as needed, although some operators permanently install sand washing systems on selected platforms to serve as a central facility to receive and clean wastes from other sites. Data submitted by the industry regarding sand washing performance demonstrates that even in the case of a washing system which provides for removal of the free oil, residual liquids and solids (by-products from washing) remain which are unable to meet the no free oil limitation and they must be disposed of in a manner other than ocean discharge (typically by onshore treatment and disposal).

In the March 1991 proposal, EPA suggested the possibility of requiring zero discharge only for those facilities within 4 miles from shore if information showed that the volumes associated with a zero discharge limit for all produced sand were excessive. EPA reevaluated projections of produced sand generation and onshore disposal capacity in developing this final rule, and has confirmed that zero discharge of all produced sand is achievable and the appropriate limitation for BCT, BAT and NSPS. Therefore, EPA is rejecting the 4-mile option for produced sand.

EPA did not perform a BCT cost test on the no discharge of free oil option, because no, or minimal, incremental costs would be incurred. NPDES permits currently limit discharges of produced sand containing free oil, with compliance determined by visual sheen test.

The basis for the compliance costs assigned to the zero discharge option is presented in section V.C. Although BPT limitations for produced sand have never been promulgated, existing NPDES permits prohibit the discharge of free oil in the produced sand wastestream. For the purpose of conducting the BCT cost reasonableness test for the rule, the BPT level of control is considered to be equal to the no free oil limitation of the existing permits. Thus, BPT costs and pollutant removals are determined as the costs/removals associated with the onshore disposal of 34 percent of produced sand generated, and the costs/removals associated with washing/discharge for 66 percent of the produced sand generated annually. The costs and pollutant removals due to upgrading from BPT to the candidate zero discharge BCT limitation are determined by the costs/removals associated with onshore disposal of the produced sand currently discharged at sea (66 percent of the produced sand generated annually).

EPA encountered difficulties in estimating the cost of BPT for produced sand. EPA was unable to obtain firm estimates of sand washing costs from industry operators. EPA did receive sand washing cost estimates of $125 per barrel of produced sand from an equipment vendor. Since the estimate of sand washing is substantially higher than EPA and industry estimates of the cost for onshore disposal of produced sand, EPA does not consider the $125 per barrel quote to be representative of the industry-wide cost of BPT. Also, the sand washing estimate provided by the vendor was for a prototype sand washing system under development and was estimated as the cost for a demonstration washing project.

The cost for sand washing can be difficult to estimate, even for the operators. The cost per unit volume of sand can vary significantly as a function of the sand volume washed, difficulties encountered in washing, and the success (or lack of success) in washing the sand. As discussed in section V.C., produced sand wastes are infrequently discharged (typically removed from vessels once every three to five years) and can vary widely in volume (usually less than 100 barrels per vessel cleanout, although downhole problems can infrequently result in substantially greater volume). Depending on the volume of sand generated, scheduling constraints, and other economic and logistical considerations, operators choose between: (1) Sand washing and discharge on-site; (2) transporting the sand to another platform where the sand from several platforms may be washed and discharged; or (3) onshore disposal. If sand washing is selected by the operator, it is usually contracted out to offshore service companies. The goal of the sand washing is to reduce the oil content of the produced sand to the extent that the discharge complies with the no free oil limitation. There is, however, no guarantee that sand washing will be successful. If after washing the produced sand is still unable to comply with the no free oil limit, onshore disposal is usually necessary (and therefore incurring both washing and onshore disposal costs). Also, according to data submitted by the industry, the sand washing evolution produces wastes (washing liquids and a portion of the solids) which are unable to meet the no free oil limit. These wastes are typically disposed of onshore.

For the purpose of conducting the BCT cost reasonableness test, and based on the information discussed above and the frequency at which produced sand is currently disposed of onshore as an alternative to sand washing, EPA estimated the cost of sand washing to be comparable to the cost of onshore disposal. The average industry-wide BPT cost of sand washing is estimated at $10 per barrel of produced sand. Considering that day rates for offshore service vessels are approximately $3,000 per day and that produced sand volumes are typically less than 100 barrels each, it would be difficult for operators to achieve significantly lower sand washing costs even if the produced sand from several platforms are combined. Using a higher per barrel sand washing cost for BPT (as would be suggested by the equipment vendor estimate discussed above) provides a lower value in the BCT industry cost test and would make the BCT zero discharge limitation more cost reasonable.

Based on the volumes of produced sand washed offshore and the volumes disposed of onshore under current limitations, EPA estimates a BPT cost of $2.4 million (1986 dollars) and conventional pollutant removals of 68.8 million pounds, resulting in an overall BPT cost per pound of $0.036 per pound (1986 dollars).

The zero discharge limitation, in relation to the existing no free oil limit on produced sand, is projected to remove an additional 129.2 million pounds of conventional pollutants at an incremental cost of $2.3 million (1986 dollars). The BCT costs and pollutant removals result in a POTW test result of $0.018 per pound (1986 dollars). Since the POTW test result is less than $0.46 per pound (1986 dollars), the result passes the POTW test.

For the industry cost effectiveness test, the result of the POTW test is divided by the BPT cost per pound, and results in a value of 0.51. Since the result is less than 1.29, the result passes the industry cost-effectiveness test. Since the zero discharge limitation passes both tests, it is found to be cost reasonable.

Based on existing data, EPA is unaware of any unacceptable non-water quality environmental impacts associated with this produced sand limitation. Cleanout of produced water

treatment systems typically produces less than 100 barrels of produced sand. The cleanouts occur during a platform shutdown and typical cleanout cycle is once every three to five years. The volume of produced sand collected from vessel blowdowns is small enough that operators are able to use the supply boats that service offshore platforms on a frequent and regular basis, rather than contract for dedicated vessels to transport the waste to shore. The produced sand collected during tank and vessel cleanouts are typically small volumes that can be transported to shore using either the regularly scheduled supply boats or the work boats chartered to support the sand removal or other general maintenance during the platform shutdown.

EPA is aware of current efforts by industry to develop technologies that would wash produced sand more efficiently than washers currently in use and achieve additional pollutant removals. In light of this ongoing effort, MMS and DOE have raised the concern that the imposition of a zero discharge requirement on produced sand will prevent the development of improved sand washing technologies. Also, as part of the ongoing environmental assessment for offshore new source permits to implement these offshore guidelines, additional information is being gathered on the characteristics of produced sand, including NORM levels in that waste stream.

MMS and DOE have indicated that it will provide EPA with additional information on these issues. EPA welcomes information from all interested parties on the feasibility and pollutant removal efficiency of new produced sand washing technologies, the fate of solvents from produced sand washing (i.e., treatment, recycle or disposal), the characteristics of produced sand, the availability of disposal sites, and appropriate site specifications and requirements for disposal of produced sand that contains NORM, including possible disposal alternatives such as down-hole disposal in abandoned wells. EPA will consider revising the zero discharge requirement for produced sand, if appropriate, after evaluating this information. If a technology-based limit contained in an NPDES permit is based on the zero discharge requirement for produced sand in this guideline, and the guideline is subsequently revised to permit discharge with limitations based on new sand washing technologies, the anti-backsliding provision of the CWA, section 402(o), would not preclude revision of the zero discharge permit limit consistent with the revised guideline (see (40 CFR 122.44 (1)(1) and 122.62)).

X. Basis for the Final Regulation—Deck Drainage

A. Options Considered

BPT limitations for deck drainage prohibit the discharge of "free oil." Typical BPT technology for compliance with this limitation is a "skim pile" which facilitates gravity separation of any floating oil prior to discharge of the deck drainage. The options considered by EPA for this rule were: (1) Prohibit the discharge of free oil; or (2) set the limitation for deck drainage equal to the limitation established for produced water under this rule, technologically based on commingling and treating deck drainage with produced water.

B. Option Selection

EPA has selected the option requiring no discharge of free oil for BCT, BAT and NSPS control of deck drainage; EPA has determined that these limitations and standards properly reflect BCT, BAT and NSPS levels of control. EPA did not identify any other available technology for this waste stream. Because of the difficulties in obtaining a representative sample of this waste stream for conducting the static sheen test since the effluent is located in an inaccessible location, compliance with this limitation is determined by the visual sheen test. Deck drainage is typically collected in a sump tank where initial oil/water separation takes place. Water discharged from the sump tank is usually directed to a skim pile, where additional oil/water separation occurs. The separation process in the skim pile typically occurs beneath the ocean surface, and the separated water is discharged to the ocean from the bottom of the skim pile. (The skim pile is essentially a bottomless pipe with internal baffles to collect the separated oil.) The difficulties in obtaining a representative sample of skim pile effluent preclude the use of the static sheen test for this wastestream. (The operation of a skim pile is discussed in more detail in the Development Document.)

In the proposal, EPA presented as its preferred option establishing effluent limitations for deck drainage based on commingling the deck drainage with the produced water. As such, limits based on filtration within 4 miles from shore, and oil and grease limits equal to current produced water BPT were selected as preferred in that proposal. Upon review of information received by the Agency since proposal, EPA determined that because of adverse effects on the produced water treatment system, basing the limitations on commingling deck drainage with produced water is not technologically available. Commingling deck drainage with produced water was rejected because: (1) The resulting flow variations could result in frequent upsets of the produced water treatment system; (2) oxygen-enriched deck drainage water, when combined with the high salt content of produced water could result in increased corrosion; (3) oxygen present in deck drainage may combine with iron and sulfide in produced water causing solids formation and fouling treatment equipment; and (4) detergents used in deck washdown cause emulsification of oil and may degrade the produced water treatment process.

EPA considered and rejected the option of establishing limitations on deck drainage based on an add-on system specifically designed to treat only deck drainage. An add-on treatment specifically designed to capture and treat deck drainage, other than the type of sump/skim pile systems typically used, on offshore platforms is not technologically feasible. Deck drainage discharges are not continuous discharges and they vary significantly in volume. At times of platform washdowns, the discharges are of relatively low volume and are anticipated. During rainfall events, very large volumes of deck drainage may be discharged in a very short period of time. A wastewater treatment system installed to treat only deck drainage would have to have a large treatment capacity, be idle at most times, and have rapid startup capability. Since startup periods are typically the least efficient for treatment systems and offshore platforms have limited available space for storage of the volumes of deck drainage which occur, EPA determined that an add-on treatment system appropriate for the treatment of deck drainage was not available.

Since BCT, BAT and NSPS are being set equal to the current BPT, there are no costs or non-water quality environmental impacts associated with this limitation and it is available and economically achievable. The BCT limitation of no discharge of free oil is also considered to be cost reasonable under the BCT cost test. Since the POTW test result and the industry cost-effectiveness test results are both zero (and therefore pass their respective tests), the limitation is cost reasonable. This determination that zero BCT cost results in passing the cost reasonableness test is consistent with the BCT methodology which became

effective August 22, 1986 (51 FR 24974; July 9, 1986).

XI. Basis for the Final Regulation—Well Treatment, Completion, and Workover Fluids

A. BCT

EPA is establishing BCT prohibiting discharges of free oil under BCT for this rule. Compliance with this limitation would be determined by the static sheen test. Based on the available data regarding the levels of conventional pollutants present in well treatment, completion and workover fluids, EPA did not identify any options which would pass the BCT cost test other than establishing the limitation equal to the current BPT prohibition on discharges of free oil. Using the pollutant loadings data presented for these fluids in the Development Document and the estimated compliance costs and pollutant removals for the option establishing oil and grease effluent limits on these fluids, the results fail the BCT cost reasonableness test. There are no costs or non-water quality environmental impacts associated with this BCT limitation and, since it is equal to BPT, it is available and economically achievable. The BCT limitation is also considered to be cost reasonable under the BCT cost test. Since the POTW test result and the industry cost-effectiveness test results are both zero (and therefore pass their respective tests), the limitation is cost reasonable.

B. BAT and NSPS

1. BAT and NSPS Options Considered

Well treatment, completion, and workover fluids may either stay in the hole, resurface as a concentrated volume (slug), or surface from the well dispersed with the produced water. Two options were considered for BAT and NSPS control for this waste stream: (1) Prohibit the discharge of free oil; or (2) meet the same limitations on oil and grease content as established under this rule for produced water.

In the options considered for BAT and NSPS, free oil or oil and grease are being limited as an indicator pollutant for the control of toxic and nonconventional pollutants. Oil and grease would also be limited under NSPS as a conventional pollutant. Compliance with the free oil prohibition would be determined by the static sheen test.

2. BAT and NSPS Option Selection

EPA is establishing BAT effluent limitations and new source performance standards (NSPS) for well treatment, completion, and workover fluids equal to the BAT and NSPS requirements for oil and grease content in produced water. EPA has determined that these limitations and standards properly reflect BAT and NSPS levels of control for well treatment, completion and workover fluids. The technology basis for this limitation is commingling and treating the treatment, completion and workover fluids with the produced water wastestream. This limitation requires all existing and new sources to meet the discharge limitations on oil and grease content of 29 mg/l monthly average; 42 mg/l daily maximum. Although it is a conventional pollutant, oil and grease is being regulated under BAT as an indicator for toxic and nonconventional pollutants. Under NSPS, oil and grease is being regulated both as a conventional pollutant and as an indicator for toxic and nonconventional pollutants. Those facilities unable to commingle without causing a treatment system upset could comply by transporting the fluids to shore for recycle and reuse, where appropriate, or disposal.

EPA has determined that BAT and NSPS oil and grease limitations based on commingling well treatment, completion and workover fluids with produced water are available and economically achievable based on information regarding industry operating practices, comments submitted by industry representatives, and an industry report on the treatment of these fluids (Hudgins, C.M., "Chemical Treatments and Usage in Offshore Oil and Gas Production Systems," October 1989.). Well treatment, completion and workover fluids often surface commingled with produced water, rather than as a discrete volume (or slug). At times operators are unable to predict when the fluids will surface or even distinguish when the return has occurred. At such times, the treatment, completion and workover fluids are commingled in the produced water treatment system even though there is no existing requirement to do so.

Some comments on the proposed rule submitted by industry representatives stated that the final rule should require treatment, completion and workover fluids to be treated the same as produced water based on commingling. Also, an industry-prepared report submitted by API (Hudgins, 1989) states that, except for platforms with very low produced water flowrates, the produced water treatment systems are capable of treating well treatment, completion and workover fluids without upset to the produced water treatment system. For those facilities considered by EPA to potentially be unable to commingle these fluids without causing a treatment system upset, EPA based compliance with the BAT and NSPS limitations on transporting these fluids to shore for recycle and reuse, where appropriate, or disposal.

The option prohibiting discharges of free oil under BAT and NSPS would achieve no incremental removal of pollutants from this wastestream over and above the existing BPT requirements, and ignores an economically and technologically available treatment alternative. Therefore, EPA rejected the no discharge of free oil limitation for BAT and NSPS.

In its preferred option for the March 1991 proposal, EPA presented effluent limitations for well treatment, completion, and workover fluids based on requiring zero discharge of any concentrated fluids slug along with a buffer volume preceding and following the fluids slug. Fluids which did not resurface as a distinct slug were proposed to comply with produced water limitations. EPA has since determined that a limitation which requires capturing a buffer volume on either side of a fluids slug is not technologically achievable because it is not always possible and may not be entirely effective. In commenting on the proposal, the industry characterized completion and workover fluid discharges as small volume discharges which occur several times during the workover or completion operations which can last between seven and thirty days. Based on this information, EPA no longer considers the discrete slug and buffer to be a proper characterization of the way workover, completion or treatment fluids resurface from the well. Since the fluids often resurface slowly and over a period of time, and are often commingled with the produced water, EPA considers treatment of these fluids commingled with produced water in the produced water treatment system to be the appropriate technology.

EPA estimates peak BAT (first year) compliance costs of $1.7 million (1991 dollars) and peak NSPS (year 15) compliance costs of $1.0 million. For those treatment, completion and workover fluids which are commingled and treated with the produced water, non-water quality environmental impacts will be negligible based on comparison of the fluid volumes with produced water volumes. For those fluids expected to be transported to shore for disposal, some non-water quality environmental impacts will occur. The anticipated non-water quality environmental impacts associated with the BAT and NSPS

limits are considered acceptable. The volumes of treatment, completion and workover fluids to be handled are small (250–300 barrels per event) and the regularly scheduled supply boats have adequate space to transport the containers of spent fluids. Offshore platforms would have adequate space for storage of the spent fluids for the periods when the supply boats are not scheduled for the platform or when offloading to the supply boats is infeasible due to weather conditions. Onshore treatment and disposal of spent fluids by injection into underground formations at centralized treatment facilities will result in a small increase in energy requirements and air emissions. The total volume of treatment, completion and workover fluids generated (and thus that portion requiring onshore disposal) is a function of the number of producing wells and drilling activity. EPA projects that the volume of these fluids disposed of onshore as a result of this rule will be greatest immediately after promulgation (141,000 bbl/yr) and decrease to approximately 50,000 bbl/yr fifteen years after promulgation. Fuel requirements and air emissions were estimated based on two reinjection scenarios: (1) Two 235–HP diesel pumps with average injection pressure of 1,000 psig; and (2) one 165–HP diesel pump with average injection pressure of 260 psig. Under the high pressure scenario, the peak year required 2,800 gallons of diesel fuel and emitted 2.8 tons of air pollutants, decreasing to 1,000 gallons of diesel fuel and 1.0 ton of air emissions in year 15. For the low pressure scenario, 700 gallons of diesel fuel were required and 1 ton of air pollutants emitted in the first year after promulgation, decreasing to 250 gallons of diesel fuel and 0.4 tons of air emissions in year 15.

XII. Basis for the Final Regulation—Domestic Wastes

Under BCT and NSPS, EPA is prohibiting the discharge of all floating solids and incorporating requirements limiting discharges of garbage as included in U.S. Coast Guard regulations at 33 CFR part 151. These Coast Guard regulations implement Annex V of the Convention to Prevent Pollution from Ships (MARPOL) and the Act to Prevent Pollution from Ships, 33, U.S.C. 1901 *et seq.* Discharges of foam are also prohibited under BAT and NSPS. (The definition of "garbage" is included in 33 CFR 151.05.)

The limitations established are all technologically available and economically achievable and reflect the BCT, BAT and NSPS levels of control. Under the Coast Guard regulations, discharges of garbage, including plastics, from fixed and floating platforms engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources are prohibited with one exception. Victual waste (not including plastics) may be discharged from fixed or floating platforms located beyond 12 nautical miles from nearest land, if such waste is passed through a comminuter or grinder meeting the requirements of 33 CFR 151.75. Section 151.75 requires that the grinders or comminuters must be capable of processing garbage so that it passes through a screen with openings no greater than 25 millimeters (approximately one inch) in diameter. A permit promulgated by Region 6 for the Western Gulf of Mexico OCS incorporates the Coast Guard regulations (57 FR 54642; November 19, 1992). Discharge of foam in other than trace amounts is included in this Region 6 permit and the 1986 general permit for the Gulf of Mexico OCS as a mechanism for controlling detergents (51 FR 24922).

Since these BCT, BAT and NSPS limitations for domestic waste are already in either existing NPDES permits or Coast Guard regulations, these limitations will not result in any additional compliance cost, or additional non-water quality environmental impacts. There are no incremental costs associated with the BCT limitations; therefore, it is considered to pass the two part BCT cost reasonableness test.

XIII. Basis for the Final Regulation—Sanitary Wastes

BCT and NSPS limitations for sanitary wastes in this rule are equal to the current BPT limitations. Sanitary waste effluents from facilities continuously manned by ten (10) or more persons must contain a minimum residual chlorine content of 1 mg/l, with the chlorine level maintained as close to this concentration as possible. Offshore facilities continuously manned by nine or fewer persons or only intermittently manned by any number of persons must comply with a prohibition on the discharge of floating solids.

At proposal, EPA discussed the availability of alternative treatment and control options. No alternative technologies available for installation at the offshore facilities were identified. EPA did consider the appropriateness of requiring operators to capture sanitary wastes and transport the wastes to shore for treatment. Specific data were not available regarding the costs of transporting sanitary wastes to shore for treatment. EPA projected compliance costs based on the costs of transporting drilling wastes to shore (excluding the fee charged by onshore drilling waste disposal facilities). These projected compliance costs, in conjunction with pollutant removal estimates, did not pass the BCT cost-reasonableness tests and therefore EPA decided not to base limits on onshore disposal. EPA rejected zero discharge of sanitary wastes under NSPS because such a limitation would in reality result in operators transporting the wastes to shore for treatment and subsequent discharge by publicly owned treatment works (POTW) back into surface waters. Also, the zero discharge limitation would incur additional non-water quality environmental impacts (from the vessel traffic) and compliance costs.

Since there are no increased control requirements beyond those already required by BPT effluent guidelines, there are no incremental compliance costs or non-water quality environmental impacts associated with BCT and NSPS limitations for sanitary wastes. Since these limitations are equal to BPT, they are available and economically achievable. In addition, the BCT limitation is also considered to be cost reasonable under the BCT cost test. Since the POTW test result and the industry cost-effectiveness test results are both zero (and therefore pass their respective tests), the limitation is cost reasonable.

EPA is not establishing BAT effluent limitations for the sanitary waste stream because no toxic or nonconventional pollutants of concern have been identified in these wastes.

XIV. Economic Analysis

A. Introduction

EPA's economic impact assessment is presented in the "Economic Impact Analysis of Final Effluent Limitations Guidelines and Standards of Performance for the Offshore Oil and Gas Industry" (hereinafter, "EIA"). This report details the investment and annualized costs for the industry as a whole and the impacts of these costs on affected projects, typical companies involved in offshore oil and gas drilling and production operations, and future oil and gas production from the offshore region. The report also estimates the economic effect of compliance costs on Federal and State revenues, balance of trade considerations, and inflation.

EPA has also conducted an analysis of the cost-effectiveness of alternative treatment options. The results of the cost-effectiveness analysis are expressed in terms of the incremental costs per pound-equivalent removed. Pound-

equivalents account for the differences in toxicity among the pollutants removed. Total pound-equivalents are derived by multiplying the number of pounds of a pollutant removed by a toxic weighting factor. The toxic weighting factor is derived using ambient water quality criteria and toxicity values. The toxic weighting factors are then standardized by relating them to a particular pollutant, in this case, copper. Cost-effectiveness is calculated as the ratio of incremental annualized costs of an option to the incremental pound-equivalents removed by that option. This analysis, "Cost-Effectiveness Analysis of Effluent Limitation Guidelines and Standards of Performance for the Offshore Oil and Gas Industry" (hereinafter "CE report"), is included in the record of this rulemaking. Since the discharges are to a marine environment, salt-water toxic weighting factors were used wherever they were available.

B. Economic Methodology

EPA developed 34 economic model platforms to represent the diversity in offshore platform size (i.e., number of well slots per platform), geographic location (Gulf of Mexico, Pacific, and Alaska), and production type (oil only, gas only, or both). Distinct technical and economic characteristics were developed for each model. Costs included in the models are those associated with exploration, development, and production, as well as the costs needed to meet current regional permit requirements. Costs and revenues were estimated over the life of the project based on current requirements to establish baseline financial summary statistics, such as economic lifetime, production, corporate cost per BOE, net present value, and internal rate of return. Each of these parameters varies by model project.

Then, capital and annual O&M costs associated with various options were added to the baseline costs. The model recalculates the economic lifetime of the project, annualizes the regulatory costs over the new project lifetime, and recalculates production and financial summary statistics. Project impacts were evaluated by determining the change from the baseline values caused by the increased regulatory costs, rather than on the baseline values themselves. Costs were summed over all projects to provide total capital, annual, and annualized costs of the regulation.

EPA developed two representative company financial profiles—one for major integrated companies and one for independent oil companies—to assess the impact on oil and gas companies operating in the offshore area. Pre- and post-regulation balance sheets were developed for the typical companies. The impacts of the regulatory costs on the financial health of the companies were investigated by the change in financial ratios caused by those costs.

Production losses include those reductions in hydrocarbon extraction resulting from immediate closure of existing projects, new projects that are not undertaken, and curtailed lifetimes. These were based on the change in production and net present values for the projects induced by the regulatory costs. That is, if a project became unprofitable with the additional costs, it was assumed to close or not be undertaken.

EPA also analyzed secondary impacts of the regulation. These include: Revenue loss to the federal government due to tax shields on expenditures, revenue loss to federal and state governments through potentially lower bonus bids for new offshore projects, changes in the balance of trade, inflation, and impacts on related service industries.

C. Summary of Costs and Economic Impacts

1. Basis of the Analysis

The economic analysis has four major components: (1) An estimate of existing and projected structures that incur costs under this rule; (2) use of an economic model to evaluate per-project impacts and annualize capital costs and operating and maintenance costs; (3) an aggregate of the annualized costs to estimate the total costs for the regulation; and (4) an evaluation of the impacts of those costs on typical projects, typical companies, future oil and gas production, Federal and State revenues, balance of trade, and other secondary effects.

In response to comments received on the 1991 proposal, changes were made to the economic analysis. These changes include:

- The inclusion of existing structures currently in production in State waters of the offshore subcategory in the Gulf of Mexico (affects BAT profile).
- A re-evaluation of the profile of existing structures off California (affects BAT profile).
- Considering only the $21/bbl oil price, constrained development scenario (affects NSPS profile).
- Consideration of additional boundaries at 3-miles (for all effluents) and 8-miles (for drilling fluids and drill cuttings, only), in addition to the 4-mile boundary presented in the March 1991 proposal.
- Inclusion of compliance costs for waste streams previously believed to incur negligible costs, e.g., treatment, workover, and completion fluids; and produced sand. (The selected options for deck drainage, domestic wastes, and sanitary wastes are still assumed to create no additional costs and thus incur no impacts.)

The base year for the economic analysis is 1986. This was set for the 1988 Notice of Data Availability, when it was the most recent year for which a complete set of cost, revenue, and future production data were available. In other words, a consistent set of data were used to develop the economic models representing typical projects in that profile. This "snapshot" in time was maintained for several reasons. First, the economic impact analysis examines the change from the baseline values caused by the incremental costs of pollution control, rather than focusing on the baseline values themselves. Second, 1986 represents a recent nadir for the oil industry in terms of oil prices, revenues, and financial health. Third, not changing the baseline values of the economic models allows a clearer understanding of the changes caused by recosting, different boundaries, and other factors listed above. Fourth, EPA evaluated the changes to the profiles of new drilling activity and production structures when the 15-year period of the analysis was shifted into the future (1991–2005 and 1993–2007) and found that the results varied minimally (within 3 percent) around the original profile (see sections III.B.2 and V.F.); and therefore the 1986 projection remains valid for the 15 year period following promulgation. Costs are presented here in 1991 dollars. Where cost components have increased in time, the Engineering News Record Construction Cost Index is used to inflate 1986 dollars to 1991 dollars (see EIA for details).

The industry profile used in this analysis is presented in section V.F. EPA estimates 2,549 existing structures will incur compliance costs under the BAT regulations of this rule. It is estimated that a total of 759 new development and production structures will be installed during the 15-year period following promulgation. The costs for these new structures are assigned as NSPS compliance costs.

The number of wells drilled can vary widely from year to year. EPA estimated the total number of wells drilled during a 15-year period after the regulation goes into effect and then divided that total by 15 to obtain an average annual number of wells drilled. The average annual number of wells drilled is 759 wells per year. (It is coincidental that the average number of new wells drilled annually is equal to the total number of

new development and production structures to be installed over the next 15 years.) About one-third of new wells are projected to be classified as existing sources because they are exploratory in nature or will be drilled from existing structures. Since the difference in drilling waste compliance costs for new and existing sources is negligible (because they comply with the same requirements), the incremental costs for drilling waste options do not depend on whether they are BAT wells or NSPS wells.

2. Total Costs and Impacts of the Regulations

The total costs and impacts of the regulations combine the BAT and NSPS costs for all waste streams. BAT costs are highest in the first year following promulgation when, for the purposes of the analysis, all existing sources incur costs to upgrade their pollution control systems. These annualized costs will diminish in time as these projects come to the end of their economic life. NSPS costs, on the other hand, are small in year 1 but are assumed to grow annually until they peak in the 15th year following promulgation at which time the rate of new source facilities ceasing production will equal, or exceed, the rate of new sources coming into production. Adding the two sets of peak costs would overstate the impacts since the peaks occur 15 years apart. EPA therefore looked at the impacts in year 1 and year 15. The cost components are summarized in Table 10. The combined annualized cost for the selected options is $134 million in year 1 and $38 million in year 15 (1991 dollars).

TABLE 10.—COMBINED COST OF FINAL RULE

[1991 dollars, thousands]

Waste stream	Control option	Annualized cost in year one	Annualized cost in year fifteen
Drilling fluids & drill cuttings	3 mile Gulf/CA	18,954	18,954
BAT produced water	Flotation all	108,400	0
NSPS produced water	Flotation all	907	13,605
BAT treatment & workover fluids	Oil & grease limitations	1,693	0
NSPS treatment & workover fluids	Oil & grease limitations	0	842
NSPS completion fluids	Oil & grease limitations	210	210
Produced sand	Zero discharge	4,127	4,127
Total combined cost (before taxes)[a]		134,291	37,738

[a] Net cost to industry will be lowered by tax savings realized. These tax reductions have been included in estimates of federal revenue losses.

Note: No incremental compliance costs are incurred for deck drainage, domestic wastes and sanitary wastes.

EPA examined the combined effect of regulatory options on BAT and NSPS projects. The BAT models begin at the projects' economic midlife, a time at which most drilling programs have been completed. For an existing single-well structure in the Gulf of Mexico with its own production equipment (Gulf-1b) which is assumed to add-on a flotation system, the combined effects of the selected options for produced water, treatment and workover fluids, and produced sand is expected to reduce the net present value by 40 percent and increase the corporate cost per barrel-of-oil-equivalent (BOE) by 28 percent. (This model project, termed Gulf-1b, is considered indicative of offshore projects most sensitive economically because its source of revenue is a single producing well. Most offshore platforms produce hydrocarbons from multiple wells.) For a Gulf of Mexico project comprising 12 well slots and 10 producing wells, the same requirements lead to a four percent decline in net present value and an increase of three percent for the corporate cost per BOE. (This model, termed Gulf-12, is considered representative of a typical offshore platform.) There were no production losses beyond those already seen with the produced water option.

In evaluating the economic impacts of the rule on new projects, EPA included the costs of increased pollution control requirements for drilling fluids, drill cuttings, completion fluids, produced water, treatment and workover fluids, and produced sand. Although exploratory wells are always defined as existing sources under the rule, the drilling fluids and drill cuttings compliance costs associated with exploratory wells are incorporated into the NSPS models. Since the economic impact models are designed to estimate impacts and viability on a per-project basis, including in the NSPS model the exploratory efforts (wells) conducted to identify and quantify producible oil and gas deposits is appropriate and allows EPA to fully consider the effects on financial ratios.

For a Gulf-1b project, the combined costs lead to a 2 to 5 percent increase in the corporate cost of production, depending on whether new equipment is needed. If new equipment is needed, the net present value becomes negative. These projects are assumed to be canceled and production is lost. If new equipment is not needed, the net present value for the project remains positive, but with a 65 percent decline in value from the baseline. For a more typical Gulf-12 project, the same requirements lead to decrease in net present value of 5 to 6 percent, and an increased corporate cost of 1 to 1.5 percent per BOE.

In the real world, there will be projects that fall between the BAT and NSPS models, e.g., platforms that are installed prior to promulgation but complete part of their drilling program after this rule is issued. These platforms are much closer to the beginning of their economic life than to their midpoint but not all wells on the platform will have been drilled under the new BAT requirements. For these platforms, the per-project impacts are estimated to be equal to or less than the BAT per-project impacts, depending upon the number of wells drilled under the new requirements.

The year 1 costs are estimated to reduce the working capital of a typical major oil company by 0.5 percent. (Working capital is the financial ratio most sensitive to increased costs.) For year 15, the working capital decreases by 0.1 percent. For a typical independent oil company working offshore, the year 1 costs would reduce working capital by nearly 5 percent. The year 15 costs would reduce the working capital by about 1.4 percent.

Potential production losses are measured over the entire 15-year time period of the analysis. Production losses result from shortened economic lifetimes, immediate shut-down of existing projects, and cancellation of

new projects. Impacts associated with the final rule would result in the potential loss of 0.1 percent of the energy expected to be produced by the Offshore subcategory over the 15-year period (cumulative total of approximately 15.3 million BOE).

The selected options potentially could result in a $129 million (year 1) to $38 million (year 15) loss to federal revenues through tax effects and lower lease bids (1991 dollars). Losses to state revenues due to a potential lowering of lease bids ranges from $8 million (year 1) to $2 million (year 15; 1991 dollars). The impact of this potential loss in state revenue is minimal when compared to total state revenue representing, for example, less than 0.04 percent of total state revenues in Texas. Furthermore, these are potential losses. Companies may not choose to recoup all the cost increase through lower lease bids because if the bids are too low, companies might not win the lease. Therefore, companies may absorb the entire compliance cost of the regulation through reductions in profits. In other words, the impact on federal and state revenue would depend upon the action the companies may take through the lease bids—absorb the costs by not lowering the lease bids or pass on these costs through lower lease bids. The actual impact on revenues would probably be somewhere in this estimated range but is hard to predict at this time.

The final rule is not expected to affect energy prices, inflation, employment, or international trade. The selected options may, in fact, lead to positive impacts in the offshore service industry due to increased use of the service vessel fleet, onshore treatment/disposal requirements, and the need to retrofit or upgrade some existing treatment systems. EPA finds the costs of the final BAT and NSPS regulations to be economically achievable for the oil and gas industry.

D. Drilling Fluids and Drill Cuttings

BAT limitations and associated compliance costs for drilling fluids and drill cuttings are the same for BAT and NSPS wells. Because there is no difference between BAT and NSPS requirements for drilling wastes, EPA's analysis shows that the economic impact of the BAT limitations for drilling fluids and drill cuttings is the same as the impact of the NSPS limitations discussed below. For these reasons, the costs, cost-effectiveness, and economic achievability for BAT and NSPS drilling fluids and drill cuttings limitations are presented on a combined basis. The projections of future activity estimate that, on the average, 759 exploratory, delineation, and development wells will be drilled annually for the 15-year period of the analysis.

No capital costs are associated with the options for drilling fluids and drill cuttings because oil companies that drill offshore typically do not purchase vessels for transporting the wastes, but instead contract that service. The annualized cost of limits on drilling fluids and drill cuttings in this final rule is $19 million, of which about one-third or $6 million is estimated to be the BAT portion of the costs (1991 dollars). For new and existing oil and gas Gulf-12 model platforms, the net present value decreases by 0.6 percent while the corporate cost per BOE increases 0.1 percent. For the model single-well structure with its own production equipment (Gulf-1b), the drilling waste limitation decreases the net present value by 7 percent while the corporate cost of production increases by 0.2 percent. None of the options considered in this rulemaking for drilling fluids and drill cuttings has an adverse impact on hydrocarbon production.

The BAT and NSPS limitations of the final rule are projected to reduce the working capital of a typical major company by 0.1 percent and the working capital of a typical independent company by 0.7 percent. According to EPA's analysis, the rule would have no effect on oil and gas prices, employment, or international trade. EPA finds the costs of the selected option for BAT and NSPS control of drilling fluids and drill cuttings to be economically achievable.

BCT limitations for drilling fluids and drill cuttings within 3 miles from shore are equal to BAT and NSPS limits. Beyond 3 miles from shore, only the prohibition on discharges of free oil applies to BCT. Thus, compliance costs for BCT do not include the cost of substituting clean barite for dirty barite, monitoring costs for toxicity or diesel oil, or onshore disposal costs for drilling wastes failing the toxicity and diesel limitations.

On a per-well basis, the transportation and onshore disposal costs for BCT is equal to the BAT and NSPS costs. As discussed above, BAT and NSPS costs for drilling fluids and drill cuttings are economically achievable. Consequently, the BCT costs are also economically achievable. The BCT limitations passed the two part BCT cost reasonableness test.

E. Produced Water

1. BCT

As discussed in section XI.A, BCT limitations for produced water are equal to BPT. Therefore, there are no incremental costs and no economic impacts for produced water BCT limitations.

2. BAT

The cost of compliance for produced water limitations will be highest in the year in which the regulation goes into effect, because all existing structures must either meet the new limits with their current equipment and operation, upgrade their equipment and operation, or cease discharges of produced water. These impacts will diminish in time as existing projects come to the end of their economic life. For BAT produced water options, then, year 1 costs are the highest costs.

Total capital costs of the BAT limitations set by this rule are estimated to be $431 million. Annual operating and maintenance costs of $52 million also includes costs for two years of monitoring radium content of the produced waters. (This rule is not requiring radium monitoring of produced water. Monitoring costs of $3.4 million per year (1991 dollars) for the first two years of the analysis were included in the economic impact analysis to project impacts of such a monitoring requirement on facilities and companies. A radium monitoring requirement of finite, and relatively short-lived, duration is more appropriately implemented by permitting authorities and is not part of this regulation.) The annualized incremental cost in year 1 of the regulation is estimated to be $108 million and declines to zero in year 15. (All costs are in 1991 dollars.)

The EIA includes impacts of the options considered on each type of model platform. Selected impacts and model platforms are presented here for a Gulf-12 oil and gas platform (10 producing wells) and an oil and gas producing single-well structure with its own production and treatment equipment (Gulf-1b model, considered most sensitive to the costs of the regulation). For an existing Gulf-12 platform needing new treatment equipment to comply with the effluent limits of this rule, the net present value of the project declines by 3.6 percent while the corporate cost per BOE increases by 2.7 percent. For an existing Gulf-1b platform, the net present value declines by 35 percent, the corporate cost per BOE increases by 25 percent, and the project is assumed to cease

production operations one year early because of increased annual costs of operation. The total loss in future hydrocarbon production from existing structures due to increased regulatory costs from the rule is approximately 0.4 percent (14.7 million BOE) over the 15-year period analyzed.

The BAT limitation of this rule leads to an estimated decrease of less than 0.5 percent in the working capital of a typical major company engaged in offshore energy production and is projected to reduce the working capital of a typical independent company by 3.7 percent. EPA finds the costs of the final BAT limitations for produced waters to be economically achievable for the oil and gas industry.

3. NSPS

NSPS costs are small in the first year of the regulation, covering only the structures installed that year. NSPS costs continue to grow over time as more structures are installed. By the fifteenth year, the number of new source platforms going out of production is assumed to equal, or exceed, the number of new source platforms beginning production. Thus, the cost in the 15th year of the regulation is assumed to represent a peak NSPS cost. The total capital cost for the selected option is $96 million while the annual operating and maintenance costs are $6 million. The annualized cost in the 1st year is $1 million and $14 million in the 15th year. (All costs are in 1991 dollars.)

For a new Gulf-12 platform, the limits on produced water set by this rule are estimated to decrease the net present value by 1.4 percent while the corporate cost of production increases 0.5 percent. The NSPS economic models consider all costs from lease purchase, through platform installation, and operation. The BAT model considers only the cost of continuing operations past its midlife. For a single-well structure that has its own production equipment (i.e., a Gulf-1b), the net present value is smaller for the NSPS project than for the BAT project. This indicates that by the mid-life of a single well structure, the initial costs still have not been recovered. Under these circumstances, the same absolute decrease in net present value will appear as a greater impact on the NSPS project because of the smaller baseline value. This is what is seen under the selected limitations for this rule; the net present value for the single-well structure declines by 66 percent under NSPS, while the corporate cost of production increases by 3 percent. If new equipment is needed, the single-well project may cease production a year early. Loss of future production over the 15-year period due to early closures is estimated at less than 0.1 percent (0.5 million BOE) of the production from new structures.

The selected NSPS limits for produced water would have virtually no impact on the working capital of a typical major oil company involved in the offshore and would reduce the working capital of a typical independent by 0.5 percent. According to EPA's analysis, the selected limitations would have no effect on oil and gas prices, employment, or international trade. EPA finds the cost of NSPS for produced water to be economically achievable for the oil and gas industry.

F. Produced Sand

The annual compliance cost for produced sand from BAT and NSPS sources under the selected option is estimated at $4 million (1991 dollars). No capital investments are expected to be associated with the limitations for this waste stream. The transport of the produced sand to shore and its subsequent disposal is assumed to be contracted to another company supplying such services. For BAT models, the financial summary statistics change by no more than 0.7 percent and there is no estimated loss in production. For NSPS models, if produced sand from a single-well structure (Gulf-1b model) contains elevated levels of NORM (naturally occurring radioactive material) such that disposal at a low-level radioactive disposal site is required, the net present value may decrease by 3 percent. For all other financial statistics and all other projects, the parameters change by no more than 0.5 percent. There is no loss of production associated with this limitation. The costs lead to negligible changes in financial ratios for typical major and independent oil companies engaged in offshore oil and gas production. EPA finds the costs of the BAT and NSPS zero discharge limitations for produced sand to be economically achievable.

G. Well Treatment, Completion and Workover Fluids

1. BCT

As discussed in section XI, BCT limitations for well treatment, completion and workover fluids are equal to BPT. Therefore, there are no incremental costs and no economic impacts associated with the BCT limitations for these wastestreams.

2. BAT and NSPS

Existing wells will bear the costs of additional controls on treatment and workover fluids prior to discharge. Larger structures are assumed to generate enough produced water that treatment and workover fluids can be treated within the produced water system without upset and without additional costs. Smaller structures, which may be unable to process the fluids without treatment system upsets, bear the costs of segregated treatment and workover fluid disposal. As with produced water, the cost of BAT limitation on oil and grease for treatment and workover fluids is highest in the first year of the regulation, when all existing wells are covered, and will decrease in time as the wells become unproductive and cease operations. The first year costs for BAT treatment and workover fluids is $1.7 million (1991 dollars). The changes in the per-project net present value and corporate cost per BOE are small, about 1 percent or less for all projects investigated. The costs of the BAT limitations for control of treatment and workover fluids are economically achievable.

Each new productive well drilled will need to meet the limitations on completion fluids. Once in production, these wells are anticipated to require treatment or workover on the average of once every four years. The treatment and workover fluids, like the completion fluids, must meet new limits on oil and grease. Larger structures are assumed to generate sufficient volumes of produced water to commingle these waste streams without upset to the produced water treatment system, so incremental costs would be borne only by smaller projects. The annual compliance cost for completion fluids is estimated at $0.2 million. The compliance costs for treatment and workover fluids would begin at negligible levels when the regulation first goes into effect and would peak at $0.8 million in the 15th year. (Costs are in 1991 dollars.) The financial summary statistics for all economic models change by less than 1 percent and there are negligible impacts on company financial ratios. EPA finds the BAT and NSPS limitations for treatment, workover, and completion fluids to be economically achievable.

H. Deck Drainage, Sanitary, and Domestic Wastes

The new limitations for these miscellaneous waste streams have no associated increase in compliance costs because they are either the same as BPT, permit requirements, or U.S. Coast

Guard limits. Therefore, there are no associated economic impacts.

I. Cost-Effectiveness Analysis

In addition to the foregoing analyses, EPA has performed a cost-effectiveness analysis for the selected options for drilling fluids and drill cuttings, produced water, and produced sand. According to EPA's standard procedures for calculating cost-effectiveness, all the options considered for each waste stream have been ranked in order of increasing pounds-equivalent (PE) removed (see the introduction to this section for a discussion of pounds-equivalent, a methodology for putting pollutants of differing toxicity on a comparable basis.) The cost-effectiveness value calculated for produced sand includes only the estimated pollutant removals for radium. EPA believes that had specific data on other known constituents (heavy metals and organics) in produced sand been available, the cost-effectiveness for produced sand limitations in the rule would be considerably less than the reported $291 per pound-equivalent. Cost-effectiveness is calculated as the ratio of the incremental annual costs to the incremental pounds-equivalent removed for each option. So that comparisons of the cost-effectiveness among regulated industries may be made, annual costs for all cost-effectiveness analyses are reported in 1981 dollars.

In 1981 dollars, the incremental cost-effectiveness for the selected options are:

—$44/PE—drilling fluids and drill cuttings
—$33/PE—BAT produced water
—$17/PE—NSPS produced water
—$291/PE—produced sand (only radium removal was used to calculate pound-equivalent of pollutant reduction for this waste stream).

J. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that EPA prepare a Regulatory Flexibility Analysis (RFA) for regulations that have a significant economic impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by EPA. The purpose of the RFA is to ensure that, while achieving EPA's statutory goals, the Agency has considered regulatory options for minimizing the cost of compliance on small entities.

The economic impact analysis described above indicates that the expenses necessary to meet the final effluent limitations guidelines and standards for the offshore oil and gas industry will be incurred by major and independent oil companies. These are not "small entities" by any standard. Additionally, the analysis has determined that none of the companies directly affected by this rule are small entities. Therefore no formal Regulatory Flexibility Analysis was proposed and EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

K. Paperwork Reduction Act

Today's rule places no additional information collection or record-keeping burden on respondents. Therefore, an information collection request has not been prepared and submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq.*

XV. Executive Order 12291

A. Introduction

Executive Order 12291 requires the Environmental Protection Agency and other agencies to perform a Regulatory Impact Analysis (RIA) of major regulations. Major rules are those which impose an annual cost to industry of $100 million or more, or meet certain other economic impact criteria. The RIA prepared by EPA for this rule may be obtained at the address listed at the beginning of the preamble. This RIA was submitted to OMB for review as required by Executive Order 12291.

The RIA analyzes the effect of current discharges and benefits of final limitations for the major waste streams from offshore oil and gas drilling (e.g, drilling fluids and drill cuttings), and production activities (e.g., produced water) on the offshore environment. Three types of benefits are analyzed: quantified and monetized benefits, quantified and non-monetized benefits, and non-quantified and non-monetized benefits.

The monetized benefits analysis focuses on the human health-related benefits of the regulatory options considered. These health risk reduction benefits are associated with reduced human exposure to various carcinogenic and noncarcinogenic contaminants, including lead, by way of consumption of shrimp and recreationally caught finfish from the Gulf of Mexico. Major toxic effects by lead in humans include inhibition of heme synthesis, kidney disfunction, and damage to the central nervous system. Broad symptoms include increased blood pressure and reduced learning ability. The lead related benefits include: (1) Decreased infant mortality; (2) reduced I.Q. impairments in children; and (3) reduced risks of hearth disease, strokes, hypertension and death. All benefits were estimated using a saltwater leach scenario for calculating the bioavailability of lead in the marine environment.

Other benefits that are quantified, to the extent possible, but not monetized due to lack of appropriate data, include: (1) Human health risk reductions associated with systemics other than lead, pH-dependent leach rates, carcinogens for which there are no risk factors available, exposure to pollutants via sediment or food chair; (2) ecological risk reductions; (3) fishery benefits; and (4) intrinsic benefits.

The combined monetized benefits of regulating drilling fluids, drill cuttings, and produced water in the offshore subcategory of the oil and gas extraction industry are found to be reasonably commensurate with their costs. The total monetized benefits for selected options (in 1991 dollars for the Gulf of Mexico only) range from $28 to $104 million annually. Hypertension effects were estimated based on a dataset with a median blood lead concentration of 15 µg/dL. Average blood lead concentrations are around 4.5 µg/dL. There may be uncertainty associated with the estimate of hypertension effects, because EPA has assumed that the relationship between hypertension effects at 4.5 µg/dL is the same as the 15 µg/dL blood lead concentration. The monetized benefits associated with hypertension risk reduction are $0.2 million. The total annualized BAT and NSPS costs in the Gulf of Mexico are $122 million in the first year and decline to $32 million in the 15th year following promulgation. Quantified-monetized benefits are based solely on the predictive health-related impacts. Benefits associated with regulating drilling fluids and drill cuttings predominate over those associated with regulating produced water; for drilling fluids and drill cuttings, lead-related benefits predominate over carcinogen-related health benefits.

The quantified, non-monetized benefit assessment includes a review of case studies of environmental impacts of drilling fluids and drill cuttings and produced water that document adverse chemical and biological impacts resulting from discharge of these wastes in the Gulf of Mexico, Atlantic, California and off Alaska and water quality analysis. A comprehensive review of available data (over 1000 references, plus EPA's Ocean Data Evaluation System (ODES) database) show documented local impacts for drilling fluids and drill cuttings

discharges (22 case studies) and for produced water discharges (7 case studies). Geographically widespread marine impacts are not well documented. In preparing a water quality analysis for this rule, EPA used as a baseline permit conditions imposed by the Region 6 general permit for the OCS of the Gulf of Mexico, 51 FR 24897 (July 9, 1986). EPA projected exceedences of marine water quality criteria and toxic benchmarks, which are factors that EPA takes into account in making a determination of whether a discharge will cause unreasonable degradation of the marine environment. See 40 CFR 126.122(a)(10).

Discharged drilling fluids and drill cuttings are shown to cause contamination of sediments with heavy metals and hydrocarbons up to 4000 meters from the platforms. Other documented impacts include decline in abundance of benthic species (up to 1000 meters from the platform), reduced bryozoan coverage (within 2000 meters of discharge), altered benthic communities (up to 300 meters from platforms), bioaccumulation of heavy metals known to be present in drilling fluids and drill cuttings by benthic organisms, complete elimination of seagrass (within 300 meters of discharge), inhibited growth of seagrass (up to 3,700 meters, from the discharge point), and decreased coral coverage.

Produced water discharges are shown to cause contamination of sediments with metals and polynuclear aromatic hydrocarbons (PAH) up to 1000 meters from the platforms. Other significant impacts include reduction of benthic organisms (to below background levels) up to 300 meters from platforms, alteration of benthic communities (mostly toward opportunistic species), and sub-lethal (chronic) impacts to biota at distances in excess of 500 meters from the discharge point in high energy, open ocean environments.

The RIA uses models to project water quality impacts based on section 403(c) marine water quality criteria and human health risks from consumption of fish (consumed by recreational fishermen) and commercially caught shrimp (consumed by the general population) as a result of the offshore oil and gas discharges from existing and new offshore oil and gas platforms in the Gulf of Mexico. The "baseline," representing limitations under the 1986 general permit for the OCS in the Gulf of Mexico, and regulatory options considered for BAT and NSPS limits are assessed. The Gulf of Mexico was selected as a case study area because more than 90 percent of the offshore oil and gas exploration and production activities occur in this region, and because of its importance for commercial and recreational fishing.

The RIA attempted to quantify and monetize the specific environmental benefits that may result from the options considered for this rule. However, the high dilution afforded by the marine environment resulted in modeled pollutant concentrations that were sufficiently low that no directly quantifiable impacts on the Gulf of Mexico fishery could be attributed to the platform-related discharges. Predictions could not be made to quantify direct impacts of current discharges and benefits of options considered for this rule on composition and abundance of finfish and shellfish populations, recreational fishing and other recreational activities, commercial fishing, or nonuse benefits. Therefore, the RIA for this rule focuses exclusively on the benefits associated with human health risk reduction through modeled reduction in concentration of platform-related pollutants in recreationally-caught fish and commercially caught shrimp. Both carcinogenic and systemic human toxicant effects are considered. These quantified and monetized incremental benefits are compared to the annualized incremental cost in the Gulf of Mexico for the BAT and NSPS control options considered for this rule.

The non-quantified, non-monetized benefits assessed in this RIA include increased recreational fishing, increased commercial fishing, improved aesthetic quality of waters near the platform, and benefits to threatened or endangered species in the Gulf of Mexico. Recreational fishing benefits may be realized because (a) regulations may change perceptions about the risk to health posed by fish caught near the platforms, thus encouraging recreational fishing near the rigs and increasing fishing values; (b) to the extent anglers perceive that water quality near the platforms has improved, they may fish more often near the platforms thus increasing their participation; and (c) reduced discharges may improve the ecosystem in a way that enhances the fishery. For example, reduced pollutant concentrations would positively affect lower-level organisms in the food chain, improve reproductive success, increase the ability to avoid predation and improve growth.

Since data are not available to evaluate these hypotheses, EPA has not predicted potential recreational fishing benefits. However, if the regulations do have a positive impact on recreation, then the benefits of improved recreational fishing could be substantial. For example, even a 0.1 percent increase in recreational value would increase recreational fishing benefits by about $12 to $14 million.

Non-use benefits associated with improved water quality could be potentially significant. In freshwater settings, studies show that such benefits were no less than 50 percent of the associated recreational values.

The regulation may also have a beneficial effect on two federally-designated endangered species—the Kemp's Ridley Turtle and the Brown Pelican—that use the Gulf of Mexico as part of their habitat.

The commercial fishery in the Gulf of Mexico is a vital component of the regional economy. While there are data to suggest correlation between oil and gas extraction activities and fisheries catch statistics, definitive causal relationships cannot be developed. However, indirect impacts on the size or composition of the fishery, or on consumer demand for Gulf fishery products, may generate commercial fishery benefits.

B. Drilling Fluids and Drill Cuttings

The water quality analysis is performed for water column and sediment pore water quality impacts using mean seawater leachability (with mean leach percentages experimentally derived in seawater medium). Water quality impacts and benefits are projected for 23 pollutants representing average subcategory-wide drilling discharges.

The estimated human health benefits for the BAT and NSPS drilling fluids and drill cuttings limitations are in the range of $28 to $104 million (for seawater leach) compared to a projected incremental annualized cost of $19 million (in 1991 dollars for the Gulf of Mexico only) (Table 11) based on the combined quantified average risk reduction associated with consumption of fish and shrimp contaminated by lead and arsenic from drilling fluids and drill cuttings discharges. An additional reduction in human health risk from the subsistence fishing near the platforms is also anticipated but could not be quantified by this RIA.

Table 11.—INCREMENTAL ANNUALIZED BENEFITS AND COSTS FOR DRILLING FLUIDS AND CUTTINGS BAT/NSPS OPTIONS

[Millions of 1991 dollars per year; Gulf of Mexico only]

Regulatory option	Annual benefits[a]	Annual cost
3 Mile Gulf/CA[b]	$28.1-$103.6	$19.6

Table 11.—Incremental Annualized Benefits and Costs for Drilling Fluids and Cuttings BAT/NSPS Options—Continued

[Millions of 1991 dollars per year; Gulf of Mexico only]

Regulatory option	Annual benefits[a]	Annual cost
5 Mile Gulf/3 Mile CA	28.5–104.7	33.1
Zero Discharge Gulf/CA .	30.0–110.5	142.4

[a] Relative to baseline of current practice.
[b] Regulatory option selected for this rule.

C. Produced Water

The water quality analysis is performed for water column water quality impacts. Water quality impacts and benefits are projected for 29 pollutants representing average subcategory-wide produced water discharges.

The estimated human health benefits for the BAT limitations of the final rule, based on the quantified average risk reduction associated with the consumption of platform-contaminated fish for three carcinogens (arsenic, benzene, benzo(a)pyrene) and one systemic toxicant (lead), are estimated to range from $30,000 to $123,000, versus a projected incremental annualized cost of $102 million in the first year that declines to zero in the 15th year (in 1991 dollars for the Gulf of Mexico only) (Table 12). The estimated human health benefits for the NSPS limitations (based on the same pollutants) are estimated to range from $39,000 to $162,000, versus a cost of $1 million in the first year that rises to $13 million in the 15th year (in 1991 dollars, for the Gulf of Mexico only) (Table 13). An additional reduction in human health risk due to subsistence fishing near the oil and gas platforms in the Gulf of Mexico region is also anticipated but could not be quantified by this RIA.

Table 12.—Incremental Benefits and Costs for Produced Water BAT Options

[Millions of 1991 dollars per year; Gulf of Mexico only]

Regulatory option	Annual benefits[a]	Annualized cost in year 1	Annualized cost in year 15
Flotation All[b]	$0.030–$0.123	$102.2	0.0
Zero 3 Miles Gulf and Alaska[c]	0.28–1.42	123.0	0.0
Zero Discharge Gulf and Alaska[c]	0.54–2.78	730.3	0.0

[a] Relative to baseline of current practice.
[b] Regulatory option selected for this rule.
[c] Benefits associated with controlling Ra–226 and Ra–228 are considered only for options that include zero discharge.

Table 13.—Incremental Benefits and Costs for Produced Water NSPS Options

[Millions of 1991 dollars per year; Gulf of Mexico only]

Regulatory option	Annual benefits[a]	Annualized cost in year 1	Annualized cost in year 15
Flotation All[b]	$0.039–$0.16	$0.9	13.4
Zero 3 Miles Gulf and Alaska[c]	0.30–1.5	3.9	57.7
Zero Discharge Gulf and Alaska[c]	0.55–2.8	25.0	376.5

[a] Relative to baseline of current practice.
[b] Regulatory option selected for this rule.
[c] Benefits associated with controlling Ra–226 and Ra–228 are considered only for options that include zero discharge.

XVI. Public Participation and Summary of Responses to Major Comments

Public participation in the development of the effluent limitations guidelines and standards for this industry has been extensive. Throughout the development of this regulation, EPA has made numerous documents available to the public for comment and has held public meetings for the purpose of providing information and receiving information and views from many individuals and organizations.

The public comment period for the 1985 proposal, set originally for three months, was extended to provide a total of six months for comment. Partly in response to these comments and partly to incorporate supplemental data, EPA modified its data base, methodologies and regulatory approaches and discussed these changes in a Notice of Availability and request for comments on October 21, 1988 (53 FR 41356). The comment period for this Notice of Availability, originally set for six weeks, was subsequently extended to provide a total of three months for comment.

On November 26, 1990 (55 FR 49094), EPA published a proposal and reproposal presenting additional modifications to the data base and changes to methodologies and regulatory approaches. A one month comment period was provided for this proposal.

On March 13, 1991 (56 FR 10664), EPA published a subsequent proposal describing the November 1990 proposal in greater detail and setting forth additional technical, economic, environmental, and other information relating to the establishment of effluent guidelines and standards for the offshore subcategory. The comment period for this proposal was originally set for one month. EPA subsequently extended the comment period for the majority of the proposal by an additional month, with several key issues extended to provide a total of three months to comment. In response to the notices and proposals discussed above, EPA received 145 submissions of comments and data from industry, government, environmental and other groups, and individuals. These submissions comprise over 5,000 pages.

Throughout this rulemaking, EPA has not only welcomed the submission of comments, but also solicited data that could be used to supplement, correct, or fill gaps in EPA's data base. Where adequately documented data of sufficient quality were submitted, EPA used the data along with other data it had collected. EPA believes that it has made all reasonable efforts to obtain public input on this rule.

Included in the record for this rule is a large response to comments document. The sheer volume of comments precludes the publication of EPA's responses to all of them in this preamble. EPA has discussed and responded to some comments earlier in this preamble. Other comments are

responded to in the separate response to comments document mentioned above. Finally, the various data compilations, editing, and other information contained in the record for this rule address (and in some instances were obtained or acquired specifically for the purpose of addressing) the public comments.

A. Cadmium and Mercury BAT and NSPS Limitations for Drilling Fluids and Drill Cuttings

Comment: Several commenters expressed opposition to establishing BAT and NSPS limitations on cadmium and mercury in drilling fluids and drill cuttings wastestreams at 1 mg/kg each, as measured in the whole drilling fluid. The commenters cited data indicating that the geologic formation can act as a contributor of cadmium to the drilling fluid, and recommended establishing the metals limits in the stock barite rather than "end-of-pipe." Some industry commenters suggested a stock barite limitation of 3 mg/kg cadmium and 1 mg/kg mercury, while others suggested a limit of 5 mg/kg cadmium and 3 mg/kg mercury in the stock barite.

Response: EPA agrees that the limitations on cadmium and mercury should be set in the stock barite. The final BAT and NSPS limits for drilling fluids and drill cuttings include limitations on cadmium and mercury at 3 mg/kg and 1 mg/kg (dry weight), respectively, in the stock barite. This is not an effluent limit to be measured at the point of discharge, but a standard pertaining to the metals content of the barite used to formulate drilling fluids. Compliance with the limitation would involve the use of barite from sources that either do not contain these metals or contain the metals at levels below the limitation.

EPA has analyzed data from the American Petroleum Institute's Fifteen Rig Study. In this study, samples of drill cuttings, used drilling fluid, and barite from a number of drilling sites were sampled for metals content. Results of EPA's statistical analysis indicate that some cadmium present in the drilling fluids came from a source other than the barite.

Establishing the final metals limitations on the stock barite, rather than "end-of-pipe" in the whole drilling fluid at the point of discharge, is consistent with EPA's original intent for control of drilling fluids and drill cuttings. EPA's technology basis for limits on metals content in drilling wastes has always been product substitution of "clean" barite sources containing low levels of impurities as a substitute for "dirty" barite with higher concentrations of impurities. In section VII.B of the preamble, EPA discusses why the limits selected for the final rule are available and economically achievable.

B. Clearinghouse Approach for Controlling Toxicity of Drilling Wastes

Comment: Several industry commenters have stated that EPA should use a "clearinghouse" approach to control toxicity for drilling fluids and drill cuttings, rather than establish "end-of-pipe" toxicity limits. Instead of measuring compliance through bioassay of drilling wastes, a clearinghouse approach would project the cumulative toxicity of the drilling fluids and additives in advance based on mud formulation.

Response: In the 1985 proposal, one of the options proposed for limiting the discharge of muds was referred to as the "Clearinghouse/Toxicity Approach" (50 FR 34592). The clearinghouse concept is based on the fact that operationally satisfactory drilling fluids can be formulated by substituting less toxic constituents. Under a clearinghouse concept, a list of effective muds that could be discharged from offshore operations would be compiled. The generic drilling fluid concept was developed in 1978 when EPA instituted a joint testing program for various formulations for operations in the Atlantic Ocean lease sale areas. EPA Region 2 and the Offshore Operators Committee (OOC) conducted the Mid-Atlantic Bioassay Program which identified eight water-based drilling fluid types (generic fluids) that encompassed virtually all types of drilling fluids in use at the time. The generic fluids were then bioassayed once as an alternative to having the participating operators perform bioassay and chemical tests every time a discharge occurred. To allow for the use of acceptable additives in drilling operations, EPA and the OOC also developed the concept of an "approved" additives list. An operator could submit bioassay data on a mud containing a particular additive to EPA for review. If EPA "approved" the additive, operators were then allowed to discharge the generic fluid types, including certain approved specialty additives ("additives"), without conducting additional testing (50 FR 34603). Other EPA Regions used the results from the generic fluids testing in permits issued for Outer Continental Shelf (OCS) lease areas, and the 1985 proposal also contained another option (Option 1, 50 FR 34607) which limited toxicity to 30,000 ppm for the suspended particulate phase (SPP) based on the results of bioassay program.

In the 1985 proposal, Option 2—Clearinghouse Approach discussed the establishment of a national clearinghouse to be administered by EPA. Under this option, EPA would serve as a repository for all toxicity and related physical and chemical characteristics of base drilling fluid formulations and additives. The information would be used by the public and operators for use in selecting fluid/additive formulations that would likely comply with the established toxicity regulations (50 FR 34608).

EPA Region 10 later issued several NPDES general permits (Bering and Beaufort Seas (49 FR 23734, June 7, 1984) Norton Sound (50 FR 23578, June 4, 1985), Cook Inlet/Gulf of Alaska (51 FR 35460, October 3, 1986), Chukchi Sea and Beaufort Sea II (53 FR 37846, September 28, 1988)) in which the discharge of certain additives was authorized without further bioassay testing if discharged in generic drilling muds. In all of its permits, Region 10 authorized the discharge of certain muds and a variety of specialty additives listed on tables in the permits. When operators needed to use muds or additives not directly authorized on the tables, Region 10 evaluated available bioassay data and authorized discharge (or not) based on its BPJ estimate of the cumulative toxicity for the proposed discharge. Region 10 often required bioassay of the discharged muds/additives at maximum (discharge) concentrations in order to obtain bioassay data that represented practical product concentrations and actual discharge toxicity. Region 10's approach was based on additivity (meaning that the toxicity of the whole drilling fluid could be estimated based on the toxicity of the constituents) because there were no other practicable ways in which to address available bioassay data.

In the 1985 proposal (50 FR 34592) and the 1991 proposal (56 FR 10664), EPA rejected the Clearinghouse option based on the time required to develop such a program, and the complexity of managing such a program on a national level. Although EPA has received comments in favor of a clearinghouse approach to fluids/additive discharge authorization, several important reasons remain that support rejection of this regulatory option.

First, EPA's NPDES permitting program (section 402 of the Act) is based on point of discharge ("end-of-pipe") accountability. While bioassays of drilling wastes to be disposed of are an established measure of compliance with "end-of-pipe" toxicity limits, a

clearinghouse approach would require the cumulative toxicity of the fluids and additives to be projected in advance. These advance estimates would have to be performed for each discharge of drilling fluids by hundreds of offshore wells annually. Whether EPA performs the estimates or industry submits them for Agency review, because of the large number of drilling operations in the offshore subcategory the administration of such a program would be complex and would place a huge administrative burden on the Agency. Compounding this, EPA would be required to maintain a data base with up-to-date information on fluids and additives, provide resources to track the data, and respond to challenges to clearinghouse determinations.

Although it has been demonstrated that the clearinghouse systems can be effective on a small scale, EPA has reservations regarding the feasibility of a nationwide program. The success of the Region 10 program is due, in large part, to the relatively small number of wells drilled in the past and estimated for the future. (The projected number of new drillings for the Region 10 offshore area is 12 per year). A national clearinghouse program involving over 700 new drillings per year and requiring maintenance and updating of a database containing information on numerous additives and fluids combinations would be much more difficult to manage and would place an enormous burden on the Agency.

For these reasons, EPA rejected the clearinghouse option as a component of nationally applicable regulations; however, this would not necessarily preclude EPA Regions from using a clearinghouse approach in permits as a means of implementing the toxicity limits in these regulations, if appropriate.

C. Synthetic Drilling Fluids

Comment: Several industry commenters noted recent developments in formulating new drilling fluid systems (e.g. vegetable oils, synthetic hydrocarbon-based fluids, polyolefins) as substitutes for the traditional water-based and oil-based (diesel or mineral oil) drilling fluids. Industry commenters contend that the new drilling fluids are potentially much less toxic than many of the more traditional drilling fluids currently in use. However, the newer fluids are not being used because they are costly and because they are likely to cause a discoloration on the receiving waters. This discoloration may be interpreted as a "sheen" which is the mechanism specified for determining compliance with the existing BPT limit and the BCT and BAT limits and NSPS established in this rule for no discharge of free oil from drilling fluids and drill cuttings. The newer fluids may cause a sheen even where there has been no discharge of diesel or mineral oil or hydrocarbons from the well. In other words, the static sheen test cannot distinguish between drilling fluids and drill cuttings containing these newer drilling fluids and drilling fluids and drill cuttings contaminated by diesel oil, mineral oil, or formation hydrocarbons. For these reasons, industry commenters further contend that these newer drilling fluids should be exempt from compliance with the no free oil limitation required by these effluent limitations and NSPS.

Response: EPA disagrees with the commenters' assertion that certain drilling fluids should be exempted from the BCT and BAT limitations and NSPS established in this rule prohibiting discharge of free oil in drilling fluids and drill cuttings as determined by the static sheen test. The technology basis for the no free oil requirement, onshore treatment and/or disposal of drilling fluids and drill cuttings is applicable to all drilling fluid systems and prevents discharge of substantial quantities of conventional, non-conventional and priority pollutants. The prohibition on discharge of free oil was originally established under BPT to prevent discharges of drilling waste contaminated with diesel oil, mineral oil, or formation hydrocarbons to surface waters. Since mineral oil or diesel oil is occasionally added to a drilling fluid system to enhance lubricity or as a pill to free stuck pipe, or hydrocarbons from the formation may enter the drilling fluid system during drilling operations through oil-bearing geologic strata, the prohibition on discharges of free oil remains an appropriate limitation for discharge of drilling fluids and drill cuttings.

While EPA agrees that some of the newer drilling fluids with non-mineral oil or non-diesel oil bases may be less toxic and more readily biodegradable than many of the drilling fluids currently in use, EPA is concerned that there is no method for determining compliance with the no free oil standard to replace the static sheen test. In other words, if EPA were to exclude certain fluids from the requirement, there would be no way to determine if at that particular facility, diesel oil, mineral oil or formation hydrocarbons were also being discharged.

At the same time, EPA wants to encourage development of less toxic drilling fluid substitutes or drilling fluids with a higher degree of biodegradability if an alternative method can be developed to distinguish between discharge of diesel oil, mineral oil, or formation hydrocarbons in drilling fluids and drill cuttings from discharges of these newer drilling fluids. EPA solicits data on alternative ways to differentiate between these two kinds of discharges, including gas chromatography or other analytical methods. EPA also solicits information on technological issues, related to the use of these newer fluids (*e.g.*, under what geological conditions and for what part of the drilling operations can these newer drilling fluids be used), any toxicity data or biodegradation data on these newer fluids, and cost information. EPA will consider this information, and if appropriate, issue guidance on use of the static sheen test for distinguishing these newer drilling fluids from mineral oil-based fluids, diesel oil-based fluids or formation hydrocarbons. Also, if appropriate, EPA may propose alternative analytical methods or undertake other rulemaking to address this issue.

EPA acknowledges that the current Gulf of Mexico general permit prohibits the discharge of inverse emulsion drilling fluids, which are defined as oil-based drilling fluids which also contain a large amount of water. EPA solicits information on whether newer drilling fluids should be considered inverse emulsion fluids and what effect the current permit prohibition on discharge of inverse emulsion fluids will have on the ability to discharge newer, non-petroleum oil-based synthetic fluids if they pass the static sheen test, along with the other limitations applicable to drilling fluids and drill cuttings.

D. Non-Water Quality Environmental Impacts—Drilling Wastes

EPA received several comments regarding non-water quality environmental impacts associated with the limitations on discharges of drilling fluids and drill cuttings. These comments related primarily to the volumes of drilling fluids and drill cuttings that would need to be disposed and the number of vessels available to transport drilling fluids and drill cuttings to shore for disposal.

Comment: EPA received comments suggesting that the assessment of non-water quality environmental impacts (and any regulatory determination based on these impacts) should be based on drilling waste volumes which result from operators using enhanced solids control systems. The commenter contended that by basing drilling waste volume estimates on enhanced solids control systems, the volume of drilling

wastes requiring onshore disposal (as well as the necessary boat trips and associated energy usage and air emissions) would be substantially reduced.

Response: EPA believes that it made a reasonable estimate of the quantity of drilling fluids and drill cuttings that would be required to be disposed of onshore under the rule. EPA's estimate of the volume of drilling waste generated offshore is based on actual discharge data and is demonstrative of the fairly high level of solids control employed offshore.

Solids control equipment is used by the industry to remove drill cuttings and minimize the buildup of drilled solids in the drilling fluid system. In addition to enhancing drilling fluid properties, by minimizing solids buildup in the mud system the operator can reduce the extent to which dilution of the drilling fluid is required. All drilling operations utilize solids control equipment to some degree and the efficiency of the system, in determining the extent to which dilution is required, affects the volume of drilling wastes generated. A relatively low efficiency (40 percent) solids control system requires a substantial level of dilution in order to maintain proper mud system properties. Intermediate level of efficiency (about 60 percent), in providing greater solids removal from the mud system, substantially reduces the level of dilution required for the mud system and reduces the volume of drilling wastes generated. The intermediate level system will result in an increased volume of drill cuttings and a decreased volume of drilling fluids. (While the total drilling waste volume is reduced because of the reduced dilution, a portion of drilled solids discharged along with drilling fluids in low efficiency solids control systems will be removed by the higher efficiency solids control and included with the drill cuttings wastes.)

Finally, closed-loop solids control systems can provide approximately 80 percent solids removal efficiency, further reducing the overall drilling waste volume (the drill cuttings volume would increase, but the drilling fluid volume decreases by a greater amount.) While the closed-loop system provides volume reductions over the intermediate-level system, the volumetric reductions in waste generation are not linearly proportional to the solids control efficiency. As a result, operators gain significantly greater reductions in drilling waste volumes in going from low efficiency to intermediate level solids control equipment than achieved in going from intermediate-level equipment to closed loop systems.

In developing the final rule, EPA considered solids control equipment practices used in the offshore oil and gas industry. In evaluating the potential for enhanced solids control systems to reduce drilling waste volumes (and thus reduce non-water quality environmental impacts), EPA reviewed industry literature and solids control equipment currently used in offshore drilling situations and data on solid removal efficiencies. Based on the limited data available, EPA has determined that the offshore oil and gas industry, while not using the highest efficiency solids control systems available, is in general using a fairly high level of solids control in drilling operation.

While most platforms and drilling rigs may have a basic level (relatively low efficiency) of solids control equipment permanently installed, it is common industry practice for lease owners/operators, in contracting with the service firms providing drilling services, to require some level of enhanced solids control equipment to be used. EPA used industry data on drilling waste discharges, (for which solids information was unavailable) in conjunction with theoretical estimate of drilling waste volumes (calculated from the theoretical hole volume and use of solid control equipment with differing efficiencies), to determine that waste volumes generated in the offshore subcategory are demonstrative of a fairly high solids control efficiency.

A factor to be considered in offshore operations is whether available space exists on the platform or mobile drilling rig to support installation of higher efficiency solids control equipment. In onshore and coastal areas, drilling operations typically are not severely limited in terms of equipment space. (In coastal regions, additional equipment can often be added on the drilling barge or an additional barge brought to the drilling site.) Offshore, however, operators must balance the benefits of adding additional solids control equipment with the need to reserve space on the platform or drilling rig for storage of drill cuttings boxes. If the available space for storage of drill cuttings boxes becomes too limiting, additional boat trips to remove the drill cuttings are required if interruptions to the drilling operation are to be prevented. Also, installing higher-efficiency solids control equipment produces a greater drill cuttings volume, further limiting drilling operations. (While the drilling fluid volume is decreased, a corresponding space availability does not result since the muds are stored in tanks which have a smaller "footprint", or surface area requirement. Operators are limited in the extent to which cuttings boxes may be stacked.) Operators may retrofit additional platform space on platforms or mobile drilling rigs; however, in some cases such modifications may not be feasible and in any case would be made upon economic consideration of modification costs and onshore waste disposal costs.

In evaluating the impact of enhanced solids control equipment drilling waste volumes requiring onshore disposal, EPA used its estimates of current industry practice, platform addition costs, and onshore disposal costs to assess the potential for operators to further enhance their solids control systems. EPA was limited in this analysis by the lack of facility-specific data regarding the installed solids control equipment. Because the industry is already using a fairly high level of solids control (limiting the extent to which benefits could be realized through further efficiency increases), facility-specific data is lacking, and because the selection of the type of solids control system used at a particular drilling location depends on site-specific drilling conditions and economic variables, EPA was unable to determine the extent to which the industry would implement higher-efficiency solids control systems. To the extent that higher-efficiency solids control equipment may be utilized, some reduction in the total drilling waste volumes generated could be realized. Considering the fairly high level of efficiency already implemented offshore, such volume reductions would not likely be significant. Thus, EPA believes non-water quality environmental impacts estimated for drilling fluids and drill cuttings effluent limitations and NSPS would not change significantly with implementation of higher-efficiency solids control equipment.

Comment: EPA also received comments opposed to the comment above, that drilling waste volumes were understated and that additional boat trips would be necessary.

Response: EPA reassessed drilling waste volumes in developing the final rule in response to public comments. The projected volumes of drilling fluids and drill cuttings generated in the offshore subcategory have changed slightly since proposal due to revisions in calculations of: (1) The average well depth, based on an expanded set of drilling data; (2) the typical depth of a deep well (deep wells generate greater waste volumes than shallow wells

because of the footage drilled and the larger diameter borehole used); and (3) the percentage of all wells drilled greater than the average industry offshore well depth. The methodology used to calculate the drilling waste volumes is unchanged from the proposal. In estimating the volume of drilling waste generated requiring onshore disposal, EPA revised downward projections of the usage of oil-based drilling fluids. This downward revision reduces the volume of drilling waste requiring onshore disposal. However, the decrease in onshore disposal by this revision is offset by the updated assumption of greater numbers of deep wells and the volume increase associated with these wells. For these reasons, EPA believes that the projected waste volumes presented in section VII of this preamble and the Development Document are accurate estimates of the volume of drilling fluids and drill cuttings requiring onshore disposal.

Comment: Some commenters contended that EPA's assumption regarding the number of vessels necessary for transporting the drilling wastes was an over-estimate. A commenter to the rule disputed EPA's 1991 projections of the number of supply boats needed to transport drilling wastes to shore. This commenter claimed that EPA inappropriately estimated drilling waste volumes, overestimated the number of dedicated supply boats needed, and failed to consider the potential for using regularly scheduled supply boats to carry drilling wastes to shore. The commenter claimed that the drilling wastes could be brought to shore by regularly scheduled supply boats and that EPA was double-counting the number of boat trips needed.

EPA also received opposing comments. One commenter claimed that there are no vessels (barges) configured and certificated to carry oilfield wastes authorized to operate in offshore waters, and noted the improbability of modifying the open hopper barge design often used in inland wasters. Some commenters contended that there were insufficient vessels available to transport the drilling wastes to shore.

Response: EPA strongly disagrees with the contention that vessels are unavailable for offshore service. EPA estimates that approximately 760,000 barrels per year of drilling wastes are transported from drilling sites in the offshore category to the shore for disposal in order to comply with the current BPT and NPDES permit limitations. These wastes are transported to shore by offshore service vessels, typically supply boats. The population of service vessels available to transport offshore drilling wastes is difficult to determine; however, estimates regarding the number of vessels and the increased requirements resulting from this rule can be made.

As discussed above, supply boats make frequent visits to drilling and production sites throughout the offshore subcategory. Service vessel usage at offshore facilities may be as high as two supply boats per day and two crew boats per day during the exploration and development phases. In general, service vessels make three trips per week to exploration and development operations and one trip per week to production platforms. (EPA projects future wells in the offshore subcategory to be drilled at the average annual rate of about 760 wells per year. There are currently approximately 2,550 production platforms in the offshore subcategory.) MMS data show that there were 25,000 service vessel trips to support oil and gas related activities on the OCS (federal waters only) in the Gulf of Mexico in 1988. These data do not differentiate between types of vessels; however, it does provide some indication regarding the boat population and level of activity. EPA estimates that transporting drilling wastes to shore in compliance with the requirements of this rule will result in an increase of about 740 service vessel trips per year. (See the Development Document and record for this rule.)

EPA disagrees with the contention that the number of boats needed have been double-counted, and also does not agree that drilling wastes could be brought to shore exclusively by regularly scheduled supply boats. In projecting the number of boat trips required and associated non-water quality environmental impacts, EPA determined that both dedicated and regularly scheduled supply boats will be used to transport drilling wastes to shore. In the early stages of drilling a well, drill cuttings are generated at such a rate and in sufficient quantity that platform storage space can be a limiting factor and dedicated boats are needed to collect the wastes and prevent interruptions to the drilling program. As waste generation rates decline (drilling rates decline and the well diameter becomes smaller as depth increases), dedicated boats are unnecessary and regularly scheduled supply boats are used to transport the drilling wastes to shore. At the end of drilling, a dedicated supply boat is again typically needed to remove the bulk drilling fluid remaining in the system.

Comment: Some commenters stated that there was insufficient onshore disposal capacity available to receive drilling wastes generated offshore.

Response: In this final rule, EPA updated estimates of the onshore disposal capacity for oilfield wastes. The onshore disposal capacity was estimated on a regional basis in developing the November 1990 and March 1991 proposals. These regional estimates were updated subsequent to the proposal and identified current permitted capacity near the coast, the volumes of oilfield wastes currently treated by those sites, and the "excess" disposal capacity available to accept additional waste volumes. The projections of onshore disposal capacity are discussed in more detail in section VII of this notice and the Development Document. EPA concludes that there is adequate onshore disposal capacity available to accept offshore drilling wastes requiring onshore disposal under this rule.

E. Toxicity Limitation for Drilling Fluids and Drill Cuttings

Comment: Numerous comments were received concerning the proposed toxicity limitation for drilling fluids and cuttings. Some commenters argued that the limit was too stringent, while one commenter argued that the limit was not stringent enough. Most of the comments related to the original proposal in 1985 to limit discharges of drilling fluids to only those fluids that complied with a toxicity limitation for the suspended particulate phase (SPP) of 30,000 ppm (3 percent of volume). Drill cuttings discharges were to be controlled by prohibiting the discharge of free oil. Because of the adherence of drilling fluids to the cuttings during the drilling operation, however, the toxicity limitation for drill cuttings was included in the 1991 proposal. Commenters to the 1991 proposal raised the same or similar issues either specifically describing them in their 1991 comments or by reference to their 1985 comments. In general, industry comments objected to the use of a toxicity limitation as being too stringent. Specifically, industry commenters said EPA had not demonstrated a correlation between toxicity and the amount of pollutants present in the drilling fluids waste stream, had not verified with actual field data that the 30,000 ppm (SPP) limits can be achieved consistently in actual drilling operations, and had not demonstrated that the limit can be met by drilling fluids which are necessary to drill safely and effectively on the outer continental shelf. Industry commenters also raised issues concerning the toxicity test protocol and the lack of quantified

environmental benefits resulting from imposition of the toxicity limitation.

On the other hand, one commenter stated that the 1991 proposed toxicity limits of 30,000 ppm (SPP) were not stringent enough. The commenter stated that the 30,000 ppm (SPP) limit on mud toxicity is clearly not BAT and not even BPT. This commenter also raised questions concerning use of a toxicity test which does not take into account solid phase toxicity and chronic toxicity, including cumulative and sublethal effects. A toxicity limitation of 100,000 ppm (SPP) instead of 30,000 ppm (SPP) was recommended if EPA set a toxicity limit rather than establishing a zero discharge requirement. This recommendation was based on a draft Environmental Assessment Report (1982) citing data summarizing 415 toxicity tests of 68 muds using 70 species from an unspecified number of platforms. Because 44 percent of the data for the generic muds exhibited toxicity values greater than 100,000 ppm (SPP), the commenter recommended EPA raise the toxicity limitation to a minimum toxicity limitation of 100,000 ppm.

Response: Specific responses to the individual comments related to the 30,000 ppm (SPP) toxicity limitation are contained in the response to comments document for this final rule. A summary of the major portions of these responses is contained in this section of the preamble. This summary describes the basis for the 30,000 ppm (SPP) limitation, the appropriateness of the use of this limitation for all drilling activities and the suitability of the toxicity test method. In addition, an analysis of the economic impact of these limitations is discussed further in section XIV of the Preamble, the Economic Impact Analysis, and the record for the rule. A summary of comments concerning the environmental benefits or lack thereof is not contained in this section, but the individual comments are addressed in the comment response document and the environmental assessment conducted under Executive Order 12291, which is described in section XV of this Preamble.

Compliance with the toxicity limitation is based on the technologies of (1) product substitution of lower toxicity water-based or synthetic drilling fluids for higher toxicity drilling fluids and (2) transport to shore for ultimate land disposal of drilling wastes (fluids and cuttings) that do not meet the toxicity limits established by these regulations. As required by the CWA, BAT limitations are to be based on the best available technology and be economically achievable. NSPS are to reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best demonstrated control technology, taking cost into consideration. Product substitution and transport to shore if the drilling fluids and drill cuttings to be disposed of will not meet applicable effluent limitations or NSPS, are the best available and best demonstrated technologies for controlling the discharge of toxic and nonconventional pollutants associated with the drilling fluids and drill cuttings wastestreams.

In response to industry comments that the limit is too stringent, EPA disagrees. EPA has determined that the toxicity limitation meets the statutory criteria for BAT and NSPS. EPA believes that the 30,000 ppm toxicity limit on drilling fluids is technologically achievable because industry has been operating under NPDES permits imposing such a limit since at least 1986 (General Permit for the Outer Continental Shelf in the Gulf of Mexico, 51 FR 24897). As discussed further below, the eight generic drilling fluids have properties that make them applicable to almost all drilling situations. Also, as discussed below, where more toxic drilling fluids are necessary, barging is available and adequate landfill disposal capacity exists to dispose of the drilling fluids and drill cuttings on shore.

With respect to the comment that a toxicity limitation of 30,000 ppm (SPP) is too lenient, the commenter argued that the toxicity limit (based on the most toxic of eight drilling fluids) establishes a least common denominator, rather than the highest common denominator demanded by the statutory definition of BAT and NSPS. EPA disagrees.

In looking at how to apply a product substitution approach, EPA worked with industry to identify water-based generic drilling fluids that are applicable to almost all drilling situations. Drilling fluids are complex mixtures of chemical constituents formulated to meet the individual requirements of each well. Many of the chemicals have numerous functions in the drilling fluids; however, individual chemicals usually have a primary function. Important functions which are performed by the drilling fluids are: the removal of drilled solids (cuttings) from the bottom of the hole to the surface where they are removed; the lubrication and cooling of the drill bit and string; the depositing of an impermeable layer (wall cake) on the well bore hole wall to seal the formation being drilled; the control of downhole pressure; the holding of drill cuttings in suspension within the fluid when circulation of the fluid is interrupted; the support of part of the weight of the drill bit and string; and the transmitting of hydraulic horsepower to the drill bit.

Drilling fluids are usually dense colloidal slurries which have several phases (generally a water phase and a solid phase, some also have an oil phase or a gas phase). The water phase may range from fresh to saturated salt mixtures. The fluids start with the water phase and clay, either bentonite or attapulgite clay. All of the generic fluids except one use one or the other of these clays. The one fluid composition which does not use either of these clays is the generic mud type #1, Seawater/Potassium/Polymer Mud. This mud uses potassium chloride starch and a cellulose polymer. The use of these components in generic mud type #1 is necessary because of the loose shale conditions often encountered in the Gulf of Mexico. The potassium chloride functions as a shale control additive, the cellulose polymer functions as a filtrate reducer and shale controller and the starch functions as a filtrate reducer. Both of these functions are important in keeping fluids from the mud system from entering the formation and keeping the formation from collapsing into the hole.

The clays used in the drilling fluids (either bentonite or attapulgite) are very hydrophilic and form the basis of a viscous gel. As drilling continues, drilled clays (from the formation) may thicken the drilling fluid, thus requiring thinners and dispersant to be added to control flow or rheological characteristics of the fluid. These rheological properties involve the viscosity and gel strength of the fluid, and are important in determining frictional pressure losses (lubricity), and the ability of the fluid to lift cuttings to the surface. A number of constituents (or additives) are used as dispersants or thinners, such as the lignosulfonates, lignite, phosphates and plant tannins. Several of the generic mud types used in the toxicity limitation testing contained these constituents (Mud Types #2, #3, #7, and #8).

Additional constituents must be used in many drilling situations. These include barite, a weighting agent, which controls downhole pressure by raising the density of the fluid system; bentonite, starch or other compounds, which control fluid loss by building a filter cake on the wall of the bore hole; and various constituents for lubricity, plugging holes in the formation which cause loss of the entire drilling fluid slurry, and biocides to control bacterial

growth which can interfere with the drilling and/or production activity.

Commenters identified numerous examples of the need for various compositions or types of fluids, generic or specialty, in order to drill in the different formation characteristics encountered in the Gulf of Mexico in particular.

For example, if an ineffective shale stabilizer is used, there could be severe hole problems which would cause increased drilling time and possible loss of the well; if the composition limits the amount of barite to that of the highest barite content in any of the generic muds, high pressure/high temperature drilling operations routinely encountered in the Gulf of Mexico could not be conducted; and the use of KCl (potassium chloride) muds for water sensitive shale formation control, although sporadic, are essential.

Because EPA believes that drilling fluids exhibiting the characteristics of the eight generic fluids are necessary for industry to conduct drilling operations in almost all drilling situations, EPA needed to set the compliance limit based on the most toxic of these eight fluids. EPA recognizes that even with product substitution, with the limit set at 30,000 ppm (SPP), there will be some instances in which the most toxic of the generic fluids or a more toxic drilling fluid or additive is needed to conduct drilling operations. The need for additional lubricity, or the need to stabilize the well bore hole, particularly in drilling through heavy shale formations are examples of the situations in which EPA believes the use of constituents or additives may require the drilling wastes to be transported to shore due to failure to comply with the 30,000 ppm (SPP) toxicity limitation. Thus, in these instances, transporting the drilling fluids and drill cuttings to shore would be the technology basis for compliance with the limit instead of product substitution.

In response to the comments that the 30,000 ppm (SPP) limitation is too lenient, EPA obtained the reported toxicity values of used drilling fluids and cuttings from monitoring required by the Gulf of Mexico General Permit (Permit No. GM280000) and several general permits from Offshore Alaska (Permit Nos. AKG284100, AKG288000, AKG283000, and AKG785000). Then EPA reviewed the distribution of these data. The available data do not include the level of information (described below) necessary to determine if the less toxic drilling fluids used to result in lower effluent toxicity could be used to address the myriad of drilling situations encountered in the field. Also, the probability distribution of the results does not follow any of the commonly used parametric distributions such as the normal or lognormal distribution. Thus, EPA could not determine whether the less toxic results could be related to some operational characteristics, nor could EPA extrapolate such a relationship based on these data.

Although the data show that drilling fluids and drill cuttings do have toxicity values higher (less toxic) than 30,000 ppm (SPP), EPA cannot establish a more stringent limit based on this information for a number of reasons. First, the data represent the drilling fluids that have been discharged. Thus, while the data indicate how frequently the drilling fluid discharges meet the 30,000 ppm (SPP) limit, EPA does not have firm information about the amount of drilling fluids and drill cuttings that are planned to be barged to shore (not discharged) because the operator knows the 30,000 ppm (SPP) toxicity limit cannot be met. Second, EPA does not know what complete drilling fluid composition was used in each case where we have toxicity data. Thus, EPA does not know whether a particular fluid composition that gave lower toxicity results could be used in most drilling situations. Third, EPA does not have enough information about the specifics of the drilling situation (meaning the formation geology and what part of the drilling process was occurring) corresponding to each toxicity data point. Thus, EPA does not know whether the particular fluid compositions that gave lower toxicity results represents the myriad of actual drilling situations that occur in the field. For these reasons, EPA is uncertain about why certain drilling fluids showed a toxicity less than 30,000 ppm (SPP), but, unless EPA has data about the applicability of those fluids to drilling needs across the subcategory, EPA does not believe that a more stringent limit has been shown to be available technology for BAT limits or demonstrated available technology for NSPS limits.

In response to the comment citing data used in the Environmental Assessment (1982), EPA does not believe that this data is useful for purposes of establishing an effluent limitation. At the outset, the cited data were used to demonstrate toxic effects to aquatic organisms from discharges of drilling fluids and drill cuttings rather than to set an effluent limitation. Further, all of the same problems discussed above regarding the use of monitoring data (e.g., not knowing what fluid resulted in what effluent toxicity, what geological formation was being drilled, and what phase of drilling was occurring) also applies to this data. Finally EPA cannot use this data to specify a toxicity limit because it is not possible to relate the data from many different species to a single species bioassay upon which the 30,000 ppm SPP limit is based.

The toxicity limitation is analogous to a daily maximum limitation required under this and other effluent guidelines. Such limitations include an allowance for reasonable treatment system variability that provides for variation in operating conditions expected at well-operated facilities. Operationally, ninety-ninth percentile estimates, determined through statistical analyses of performance data, are used as the basis for daily maximum limitations. The Agency believes that such limitations provide sufficient allowance for variation in normal operations. While the permit monitoring data are not the same type of data typically used to develop effluent guidelines (because we do not know what drilling fluid was used, what type of geology was encountered, and what part of the drilling process was occurring, among other things, see discussion above), the percentage of toxicity data that are more toxic than the 30,000 ppm (SPP) limit is approximately one percent no matter how the combined data from the Gulf of Mexico and Alaska Regions are analyzed. Thus, a review of these data shows that the 30,000 ppm (SPP) toxicity limit based on a product substitution approach is similar to the approach EPA generally takes in establishing maximum daily limitations.

In addition, EPA has considered that, in the absence of a reliable estimate of the number of facilities that could comply with a more stringent limitation, there would be an unknown amount of drilling fluids and drill cuttings not meeting the limitation that would need to be transported to shore.

In Alaska, transport to shore on a regular basis is not technologically achievable because of the special climate conditions that make transport from platforms to shore and ground transportation on shore infeasible during extended periods of time; in addition there is a lack of available land disposal sites. For these reasons, EPA excluded Alaska from the zero-discharge requirement applicable to drilling fluids and drill cuttings within three miles from shore.

In other regions, such a limit would increase the amount of non-water quality environmental impacts in addition to those already imposed by the three-mile zero discharge requirement for drilling fluids and drill

cuttings. Any increase in the toxicity limit would have an unknown increase in the amount of air emissions and energy use from transporting drilling fluids and drill cuttings to shore, and an increase in the amount of drilling fluids and drill cuttings that would need to be disposed of in land disposal sites.

In short, because EPA does not have sufficient information to know if a more stringent toxicity limit would be feasible for drilling needs across the subcategory and because EPA does not know what effect a more stringent toxicity limit would have on non-water quality environmental impacts, in the final rule, EPA is setting the toxicity limit at 30,000 ppm (SPP), a level which EPA knows to be feasible without interfering unreasonably with drilling operations and which does not result in unacceptable non-water quality environmental impacts.

Industry comments have asserted that the EPA toxicity test is not suitable for compliance monitoring of an effluent guideline. These comments are not correct. The toxicity test for drilling fluids is suitable because the test demonstratively measures the acute toxicity for the drilling fluid and multiple tests on the same toxic substance show a spread of toxicity values about an average toxicity value. One term for the spread of values around the average toxicity value is variability. Variability for this test is estimated in Variability Study of the EPA Toxicity Test for Drilling Fluids: Statistical Analysis (1993). Given that there are variability issues associated with any measurement test, these properties of the toxicity test are allowed for in setting the effluent guidelines limitation by using the EPA toxicity test to measure the toxicity of samples from a model "system" of eight generic drilling fluids. Since precision and accuracy are inherent components of the toxicity test and are therefore inherent in the data that result from the test, these factors are entrained in the subsequent calculations performed to develop effluent limitations from those data. That adequate variability was allowed for in this procedure is demonstrated by the high percentage, greater than 90 percent of offshore wells in the Gulf of Mexico that complied with this limitation as a permit requirement in the years 1984 to 1991.

EPA also notes that the 30,000 ppm SPP toxicity limit has been imposed as a requirement in the general permits for the Outer Continental Shelf (OSC) in the Gulf of Mexico since 1986. This limit was upheld in *NRDC* v. *EPA*, 863 F.2d 1420 (9th Cir. 1988). A pre-approval system based on this limit was imposed in two general permits for the Bering and Beaufort Seas in 1984 and was upheld in *API* v. *EPA*, 787 F.2d 965 (5th Cir. 1986).

F. Static Sheen Test

Comment: Several areas addressed by the comments received on the static sheen test concerned the difficulty and expense of conducting the test, the reproducibility and accuracy of the test, and the need for such a test from the environmental benefits perspective. Commenters stated that the test method was not well established nor cost effective and results in inaccurate identifications of sheens, both false positives and negatives (i.e., when no free oil is present but is identified and when oil is present but not identified, respectively). In addition, commenters criticized the Agency for not quantifying the benefits of the test method, while others supported the method as being "scientifically superior" to the visual sheen method previously used, because unlike the static sheen test, the visual sheen test is used to detect violations after discharge.

Response: EPA disagrees with the comment that the static sheen test is not well established, expensive and not cost-effective. The static sheen test, described in appendix 1 of the final rule, is the test method used to determine compliance with the no free oil requirement, except for the no free oil requirement for deck drainage. The visual sheen test is retained to measure deck drainage compliance.

The static sheen test differs from the visual sheen test by utilizing samples of the wastes to be tested (15 milliliter or 15 gram (on a wet weight basis) quantity depending on the type of waste) introduced into a container (bucket) filled with seawater and having a specified surface area, rather than visually looking at the surface of the receiving water for the occurrence of a sheen after discharge of the waste. In the static sheen test, observations are made no more than one hour after the waste samples are added to and dispersed upon the container of seawater.

EPA believes that the static sheen test is both established and inexpensive to conduct. The test method contained in the final rule is based on the method proposed in 1985 (50 FR 34627) and has been modified to reflect the method used in the Region 10 general permits. Possible changes to the 1985 proposed method were noticed in the 1991 proposal (56 FR 10675), including the Region 10 method. The Region 10 protocol was selected based on results of assessments that demonstrate lower false positives (56 FR 10676) and its use over a ten year period with acceptable reproducibility. This protocol incorporates a larger waste sample and container of seawater and uses a more detailed description of criteria for determining whether a sheen exists or not, than the 1985 version of the test. EPA believes this is an improvement over the 1985 version; however, EPA continues to believe that the 1985 version of the test method demonstrates acceptable accuracy.

In response to comments concerning the benefits of the test, EPA believes that a test method that evaluates the potential of a sheen prior to the waste being discharged more effectively meets the intent of the CWA. The static sheen test also eliminates or reduces effects of wave action, weather conditions, and lighting (sunlight or lack of lighting) which the use of the visual sheen on the receiving waters must overcome. While EPA is not required to assess the environmental benefits of a test method, EPA notes that because the static sheen test can be used in advance of discharge to determine noncompliance, it is preferable from an environmental standpoint to a test (like the visual sheen test) that determines noncompliance only after discharge occurs.

G. Effluent Guidelines Resulting in a "Taking"

Comment: One commenter argued that EPA should assess the takings implications of these effluent guidelines pursuant to Executive Order 12630. Another commenter argued that these effluent guidelines limitations could result in a "taking."

Response: EPA believes that takings claims do not apply to effluent limitations guidelines because the issue arises only when the guidelines are applied to a particular property. In a challenge to EPA's regulations of the placer mining industry, a federal court of appeals found that a takings claim was not ripe because the guideline had not yet been applied to a particular property. *Rybachek* v. *U.S. EPA*, 904 F.2d 1276 (9th Cir. 1990).

XVII. Best Management Practices

Section 304(e) of the CWA authorizes the Administrator to prescribe "best management practices" (BMP's). EPA is not promulgating BMP's for the offshore subcategory at this time.

XVIII. Upset and Bypass Provisions

A recurring issue of concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of "upsets" or

"bypasses". An upset, sometimes called an "excursion," is an unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. It has been argued that an upset provision is necessary in EPA's effluent limitations because such upsets will inevitably occur even in properly operated control equipment. Because technology based limitations require only what the technology can achieve, it is claimed that liability for such situations is improper. When confronted with this issue, courts have disagreed on whether an explicit upset exemption is necessary, or whether upset incidents may be handled through EPA's exercise of enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir.1977), with *Weyerhaeuser* v. *Costle*, 594 F.2d 1223 (8th Cir. 1979). See also *Sierra Club* v. *Union Oil Co.*, 813 F.2d 1480 (9th Cir. 1987), *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976), *CPC International, Inc.* v. *Train*, 540 F.2d 1320 (8th Cir. 1976), and *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

A bypass is an act of intentional noncompliance during which waste treatment facilities are circumvented because of an emergency situation. EPA has in the past included bypass provisions in NPDES permits.

EPA has determined that both upset and bypass provisions should be included in NPDES permits and has promulgated permit regulations that include upset and bypass permit provisions. See 40 CFR 122.41. The upset provision establishes an upset as an affirmative defense to prosecution for violation of, among other requirements, technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Consequently, although permittees in the offshore oil and gas industry will be entitled to upset and bypass provisions in NPDES permits, this regulation does not address these issues.

XIX. Variances and Modifications

Once this regulation is in effect, the effluent limitations must be applied in all NPDES permits thereafter issued to discharges covered under this effluent limitations guideline subcategory. Under the CWA certain variances from BAT and BCT limitations are provided for. Variances such as 301(c) (Economic Achievability from BAT) and 301(g) (variance from BAT for specific listed non-conventional pollutants) are not applicable to BAT and BCT limitations promulgated in this rule because there are no such limitations in this rule. A section 301(n) (Fundamentally Different Factors) variance is applicable to the BAT and BCT limits in this rule.

The Fundamentally Different Factors (FDF) variance considers those facility specific factors which a permittee may consider to be uniquely different from those considered in the formulation of an effluent guideline as to make the limitations inapplicable. An FDF variance must be based only on information submitted to EPA during the rulemaking establishing the effluent limitations from which the variance is being requested, or on information the applicant did not have a reasonable opportunity to submit during the rulemaking process for these effluent limitations guidelines. If fundamentally different factors are determined, by the permitting authority (or EPA), to exist, the alternative effluent limitations for the petitioner must be no less stringent than those justified by the fundamental difference from those facilities considered in the formulation of the specific effluent limitations guideline of concern. The alternative effluent limitation, if deemed appropriate, must not result in non-water quality environmental impacts significantly greater than those accepted by EPA in the promulgation of the effluent limitations guideline. FDF variance requests with all supporting information and data must be received by the permitting authority within 180 days of publication of the final effluent limitations guideline [Publication date here]. The specific regulations covering the requirements for and the administration of FDF variances are found at 40 CFR 122.21(m)(1), and 40 CFR part 125, subpart D.

XX. Implementation of Limitations and Standards

A. Toxicity Limitation for Drilling Fluids and Drill Cuttings

The toxicity limitation would apply to any periodic blowdown of drilling fluid as well as to bulk discharges of drilling fluids and drill cuttings systems. The term "drilling fluid systems" refers to muds and additives used during the drilling of an individual exploration, development or production well. Any given well may require several types of mud due to changes in downhole conditions. As an example, a well may require use of a spud mud for the first 200 feet, a seawater-gel mud to a depth of 1,000 feet, a lightly treated lignosulfonate mud to 5,000 feet, and finally a freshwater lignosulfonate mud system to a bottom hole depth of 15,000 feet. Typically, bulk discharges of spent drilling fluids occur when mud systems are changed during drilling of or upon completion of a well.

For the purpose of self monitoring and reporting requirements in NPDES permits, it is intended that only samples of the discharged drilling fluid systems be analyzed in accordance with the bioassay method. Upon (or before) discharge a mud system should be sampled by bioassay to determine toxicity of the discharge. All discharged muds should be analyzed. Muds that are not discharged (i.e., reinjected or disposed onshore) are not subject to the toxicity limit. In the example above, four such samples and bioassays would be required because four discrete mud systems are being discharged.

For determining the toxicity of the bulk discharge of mud used at maximum well depth, samples may be obtained at any time after 80% of actual well footage (not total vertical depth) has been drilled to the end of well (100 percent vertical depth) and up to and including the time of discharge. Permit writers have the discretion to specify the appropriate point of the well depth within these parameters at which the end of well sample will be obtained. This would allow time for a sample to be collected and analyzed by bioassay and for the operator to evaluate the bioassay results so that the operator will have adequate time to plan for the final disposition of the spent drilling fluid system, e.g., if the bioassay test is failed, the operator could then anticipate and plan for transport of the spent drilling fluid system to shore in order to comply with the effluent limitation. However, the operator is not precluded from discharging a spent mud system prior to receiving analytical results. Nonetheless, the operator would be subject to compliance with the effluent limitations regardless of when self monitoring analyses are performed. The prohibition on discharges of free oil and diesel oil would apply to all discharges of drilling fluid at any time.

B. Diesel Prohibition for Drilling Fluids and Drill Cuttings

Diesel oil is prohibited from discharge from offshore oil platforms. In addition to this prohibition, drilling fluids and drill cuttings that produce a sheen or fail the toxicity limitations cannot be discharged. There is, however, the possibility that the quantity of diesel oil in the drilling fluid or drill cuttings is insufficient to produce a sheen or toxicity at a level failing the limitations. Thus, to show compliance with the diesel oil discharge prohibition, the operator is required to prove that diesel oil is not present in the discharge material. This requirement has created

the need for measurement of "diesel oil".

As part of this rulemaking, EPA has developed an analytical technique capable of measuring diesel oil in drilling wastes and that would distinguish diesel oil from mineral oil, crude oil, and/or the additives that are also used in drilling fluids. Although many different techniques have been tested, there is no single analytical technique capable of unambiguously measuring diesel oil in drilling mud. In the March 13, 1991 proposal notice (56 FR 10676), EPA identified the EPA Method 1651 as adequate for use in identifying the presence of diesel oil. However, work was continued on alternative extraction and analysis techniques to simplify the operational portions of the method and enable better identification of diesel oil in the presence of interferences. As a result, EPA has developed test methods for the measurement of the hydrocarbons normally found in oil, including the polynuclear aromatic hydrocarbon (PAH) content of the oil. Combined, these techniques can be used to discern diesel oil in the presence of other components likely to be found in drilling wastes. This section gives a brief history of the efforts to develop test methods for the determination of diesel oil in drilling fluids and drill cuttings and a description of test methods that have been developed to measure and differentiate diesel oil, mineral oil, and crude oil.

In late 1990, the American Petroleum Institute (API) undertook a study of extraction and determination steps necessary to identify unambiguously diesel oil in the presence of interferences, and to overcome difficulties using Method 1651. These studies involved the evaluation of alternate extraction and determination techniques.

Extraction techniques included ultrasonic, Soxhlet/Dean-Stark, and supercritical fluid. Determinative techniques included high performance liquid chromatography with ultra-violet detection (HPLC/UV), and gas chromatography with flame ionization detection (GC/FID). One device combined extraction and determination. In this device, the drilling waste sample was placed in a small chamber and heated rapidly to desorb the oil into a flowing gas stream. The components of oil entrained in the gas stream were separated by gas chromatography, and detection by flame ionization.

Of these devices, Soxhlet/Dean-Stark extraction provided the most precise results and the results closest to true value, and HPLC/UV was found reliable for determining polynuclear aromatic hydrocarbons (PAHs) in the extract. Results of these studies are summarized in an April 1992 API Report, entitled, "Results of the API Study of Extraction and Analysis Procedures for the Determination of Diesel Oil in Drilling Muds" (the API Report). A copy of the API Report is included in the record for the rulemaking.

Based on the additional methods work resulting from comments on the proposed Method 1651, EPA is promulgating, in addition to the Method 1651, a test protocol measuring the PAH content by HPLC/UV to demonstrate that the oil is mineral oil, and will allow measurement of the normal hydrocarbon distribution by GC/FID to demonstrate that the oil is crude oil. However, EPA will not allow use of the total oil content to demonstrate that the mud is free of diesel oil.

EPA recognizes that in certain regions compliance with the diesel oil prohibition is accomplished by GC analysis of end-of-well samples. In other regions, compliance with the diesel prohibition is accomplished by review of well records maintained by platform operators to prove that diesel oil has not been added to the mud system. Both methods of determining compliance are acceptable. However, in the latter case where the enforcement agency believes that the well record is in error or has been falsified, the authority may insist that further testing be conducted to prove that diesel oil has not been used.

In this further testing for the presence of diesel oil, the drilling fluid or drill cuttings are extracted with a solvent and the amount of total extractable material is measured. If the material extracted exceeds the amount attributable to additives, the material could be diesel oil, crude oil, or mineral oil, and the next phase of testing must be conducted.

In this next phase, the PAH content of the oil in the drilling waste is determined using the HPLC/UV Method. If the PAH content is less than that attributable to mineral oil, the mud may be discharged; if greater than that attributable to mineral oil, the oil could be either diesel or crude oil. To determine whether the oil is diesel or crude, the absence of n-alkanes in the diesel range or the percent of C25—C30 alkanes using the GC/FID Method must be used to show that the oil was crude oil from the formation. If the oil was crude oil, the mud may be discharged providing it meets the other discharge limitations of the rule. Implementation of this approach employs methods contained within "Methods for the Determination of Diesel, Mineral, and Crude Oils in Offshore Oil and Gas Industry Discharges" (EPA 821–R–92–008).

XXI. Availability of Technical Information

The basis for this regulation is detailed in three major documents each of which in turn is supported and supplemented by additional information and analyses in the rulemaking record. EPA's technical foundation for the regulation is detailed in the "Development Document for Final Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category" (EPA/821–R–93–003) EPA's economic analysis is presented in the "Economic Impact Analysis of Effluent Limitations Guidelines and Standards of Performance for the Offshore Oil and Gas Industry" (EPA/821–R–93–004) EPA's analysis of the monetized benefits of the regulation are presented in the "Regulatory Impact Analysis of the Effluent Guidelines Regulation for Offshore Oil and Gas Facilities" (EPA/821–R–93–002). Detailed responses to the public comments received on the proposed regulation and notices of data availability are presented in the document entitled "Response to Public Comments on Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category." Additional information concerning the economic impact analysis and regulatory impact analysis may be obtained from Dr. Mahesh Podar, Engineering and Analysis Division (WH–552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or by calling (202) 260–5387. Technical information may be obtained from Mr. Ronald P. Jordan, Engineering and Analysis Division (WH–552), at the above address, or by calling (202) 260–7115. The public record for this rulemaking is available for review at EPA's Water Docket; 401 M Street, SW.; Washington, DC.

XXII. Office of Management and Budget (OMB) Review

This regulation and the Regulatory Impact Analysis were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. The regulation does not contain any information collection requirements.

List of Subjects in 40 CFR Part 435

Incorporation by reference, Oil and gas exploration, Oil and gas extraction, Waste treatment and disposal, Water pollution control.

Dated: January 15, 1993.

William K. Reilly,

Administrator.

Appendix to the Preamble

Appendix A—Abbreviations, Acronyms, and Other Terms Used in this Final Rule Document

Act—Clean Water Act.
Agency—U.S. Environmental Protection Agency.
API—American Petroleum Institute.
BAT—The best available technology economically achievable, under section 304(b)(2)(B) of the Clean Water Act.
bbl—barrel, 42 U.S. gallons.
bpd—barrels per day.
BCT—Best conventional pollutant control technology under section 304(b)(4)(B).
BMP—Best management practices under section 304(e) of the Clean Water Act.
BOD—Biochemical oxygen demand.
BPT—Best practicable control technology currently available, under section 404(b)(1) of the Clean Water Act.
Bypass—An act of intentional noncompliance during which waste treatment facilities are circumvented because of an emergency situation.
CFR—Code of Federal Regulations.
Clean Water Act—Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Pub. L. 95–217).
CWA—Clean Water Act.
Direct discharger—A facility which discharges or may discharge pollutants to waters of the United States.
DOE—Department of Energy.
DOE/EIA—Department of Energy, Energy Information Administration.
EIA—Economic Impact Analysis.
EPA—U.S. Environmental Protection Agency.
g—gram.
GOM—Gulf of Mexico.
kg—kilogram.
LC50—The concentration of a test material that is lethal to 50% of the test organisms in a bioassay.
mg/l—milligrams per liter.
MMS—Minerals Management Service, U.S. Department of the Interior.
NORM—Naturally Occurring Radioactive Materials.
NPDES Permit—A National Pollutant Discharge Elimination System permit issued under section 402 of the Clean Water Act.
NRDC—Natural Resources Defense Council.
NSPS—New source performance standards under section 306 of the Clean Water Act.
OCS—Outer Continental Shelf.
OOC—Offshore Operators Committee.
POTW—Publicly Owned Treatment Works.
ppm—parts per million.
Priority Pollutants—The 65 pollutants and classes of pollutants declared toxic under section 307(a) of the Clean Water Act.
RCRA—Resource Conservation and Recovery Act of 1976 (42 U.S.C. sections 6901–6992k). Amendments to Solid Waste Disposal Act.
SPP—Suspended particulate phase.
Spot—The introduction of oil to a drilling fluid system for the purpose of freeing a stuck drill bit or string.
Upset—An unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee.
U.S.C.—United States Code.
USCG—U.S. Coast Guard.

For the reasons set out in the preamble, 40 CFR part 435 is amended as set forth below:

PART 435—OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

1. The authority citation for part 435 is revised to read as follows:

Authority: 33 U.S.C. 1311,1314, 1316, 1317, 1318 and 1361.

2. 40 CFR part 435, subpart A is revised to read as follows:

Subpart A—Offshore Subcategory

Sec.
435.10 Applicability; description of the offshore subcategory.
435.11 Specialized definitions.
435.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
435.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
435.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
435.15 Standards of performance for new sources (NSPS).

Appendix 1 to Subpart A of Part 435—Static Sheen Test

Appendix 2 to Subpart A of Part 435—Drilling Fluids Toxicity Test

Subpart A—Offshore Subcategory

§ 435.10 Applicability; description of the offshore subcategory.

The provisions of this subpart are applicable to those facilities engaged in field exploration, drilling, well production, and well treatment in the oil and gas extraction industry which are located in waters that are seaward of the inner boundary of the territorial seas ("offshore") as defined in section 502(g) of the Clean Water Act. Offshore facilities that transport wastes to onshore or coastal locations for treatment and disposal offshore are subject to the regulations that are applicable to the location of where the wastes are generated or the wellhead. Wastes transported from one subcategory for subsequent discharge in another subcategory of the oil and gas extraction point source category may only be disposed of pursuant to a valid NPDES permit.

§ 435.11 Specialized definitions.

For the purpose of this subpart: (a) Except as provided in paragraphs (b) through (aa) of this section, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term *average of daily values for 30 consecutive days* shall be the average of the daily values obtained during any 30 consecutive day period.

(c) The term *daily values* as applied to produced water effluent limitations and NSPS shall refer to the daily measurements used to assess compliance with the maximum for any one day.

(d) The term *deck drainage* shall refer to any waste resulting from deck washings, spillage, rainwater, and runoff from gutters and drains including drip pans and work areas within facilities subject to this subpart.

(e) The term *development facility* shall mean any fixed or mobile structure subject to this subpart that is engaged in the drilling of productive wells.

(f) The term *diesel oil* shall refer to the grade of distillate fuel oil, as specified in the American Society for Testing and Materials Standard Specification D975–81, that is typically used as the continuous phase in conventional oil-based drilling fluids. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) The term *domestic waste* shall refer to materials discharged from sinks, showers, laundries, safety showers, eye-wash stations, hand-wash stations, fish cleaning stations, and galleys located within facilities subject to this subpart.

(h) The term *drill cuttings* shall refer to the particles generated by drilling into subsurface geologic formations and carried to the surface with the drilling fluid.

(i) The term *drilling fluid* shall refer to the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure. A

water-based drilling fluid is the conventional drilling mud in which water is the continuous phase and the suspending medium for solids, whether or not oil is present. An oil-based drilling fluid has diesel oil, mineral oil, or some other oil as its continuous phase with water as the dispersed phase.

(j) The term *exploratory facility* shall mean any fixed or mobile structure subject to this subpart that is engaged in the drilling of wells to determine the nature of potential hydrocarbon reservoirs.

(k) The term *maximum* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings shall mean the maximum concentration allowed as measured in any single sample of the barite.

(l) The term *maximum for any one day* as applied to BPT, BCT and BAT effluent limitations and NSPS for oil and grease in produced water shall mean the maximum concentration allowed as measured by the average of four grab samples collected over a 24-hour period that are analyzed separately. Alternatively, for BAT and NSPS the maximum concentration allowed may be determined on the basis of physical composition of the four grab samples prior to a single analysis.

(m) The term *minimum* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings shall mean the minimum 96-hour LC50 value allowed as measured in any single sample of the discharged waste stream. The term *minimum* as applied to BPT and BCT effluent limitations and NSPS for sanitary wastes shall mean the minimum concentration value allowed as measured in any single sample of the discharged waste stream.

(n) The term *M9IM* shall mean those offshore facilities continuously manned by nine (9) or fewer persons or only intermittently manned by any number of persons.

(o) The term *M10* shall mean those offshore facilities continuously manned by ten (10) or more persons.

(p)(1) The term *new source* means any facility or activity of this subcategory that meets the definition of "new source" under 40 CFR 122.2 and meets the criteria for determination of new sources under 40 CFR 122.29(b) applied consistently with all of the following definitions:

(i) The term *water area* as used in the term "site" in 40 CFR 122.29 and 122.2 shall mean the water area and ocean floor beneath any exploratory, development, or production facility where such facility is conducting its exploratory, development or production activities.

(ii) The term *significant site preparation work* as used in 40 CFR 122.29 shall mean the process of surveying, clearing or preparing an area of the ocean floor for the purpose of constructing or placing a development or production facility on or over the site.

(2) "New Source" does *not* include facilities covered by an existing NPDES permit immediately prior to the effective date of these guidelines pending EPA issuance of a new source NPDES permit.

(q) The term *no discharge of free oil* shall mean that waste streams may not be discharged when they would cause a film or sheen upon or a discoloration of the surface of the receiving water or fail the static sheen test defined in Appendix 1 to 40 CFR 435, subpart A.

(r) The term *produced sand* shall refer to slurried particles used in hydraulic fracturing, the accumulated formation sands and scales particles generated during production. Produced sand also includes desander discharge from the produced water waste stream, and blowdown of the water phase from the produced water treating system.

(s) The term *produced water* shall refer to the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.

(t) The term *production facility* shall mean any fixed or mobile structure subject to this subpart that is either engaged in well completion or used for active recovery of hydrocarbons from producing formations.

(u) The term *sanitary waste* shall refer to human body waste discharged from toilets and urinals located within facilities subject to this subpart.

(v) The term *static sheen test* shall refer to the standard test procedure that has been developed for this industrial subcategory for the purpose of demonstrating compliance with the requirement of no discharge of free oil. The methodology for performing the static sheen test is presented in Appendix 1 to 40 CFR 435, subpart A.

(w) The term *toxicity* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings shall refer to the bioassay test procedure presented in Appendix 2 of 40 CFR 435, subpart A.

(x) The term *well completion fluids* shall refer to salt solutions, weighted brines, polymers, and various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production.

(y) The term *well treatment fluids* shall refer to any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled.

(z) The term *workover fluids* shall refer to salt solutions, weighted brines, polymers, or other specialty additives used in a producing well to allow for maintenance, repair or abandonment procedures.

(aa) The term *96-hour LC50* shall refer to the concentration (parts per million) or percent of the suspended particulate phase (SPP) from a sample that is lethal to 50 percent of the test organisms exposed to that concentration of the SPP after 96 hours of constant exposure.

§ 435.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS—OIL AND GREASE

[In milligrams per liter]

Pollutant parameter waste source	Maximum for any 1 day	Average of values for 30 consecutive days shall not exceed	Residual chlorine minimum for any 1 day
Produced water	72	48	NA
Deck drainage	(1)	(1)	NA
Drilling muds	(1)	(1)	NA
Drill cuttings	(1)	(1)	NA
Well treatment fluids	(1)	(1)	NA
Sanitary:			
M10	NA	NA	[2] 1
M9IM[3]	NA	NA	NA
Domestic	NA	NA	NA

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.

§ 435.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available

technology economically achievable (BAT):

BAT Effluent Limitations

Waste source	Pollutant parameter	BAT effluent limitation
Produced water	Oil & grease.	The maximum for any one day shall not exceed 42 mg/l; the average of daily values for 30 consecutive days shall not exceed 29 mg/l.
Drilling fluids and drill cuttings:		
(A) For facilities located within 3 miles from shore.	.....	No discharge.[1]
(B) For facilities located beyond 3 miles from shore.	Toxicity	Minimum 96-hour LC50 of the SPP shall be 3% by volume.[2]
	Free oil	No discharge.[3]
	Diesel oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium ...	3 mg/kg dry weight maximum in the stock barite.
Well treatment, completion, and workover fluids.	Oil and grease.	The maximum for any one day shall not exceed 42 mg/l; the average of daily values for 30 consecutive days shall not exceed 29 mg/l.
Deck drainage	Free oil	No discharge.[4]
Produced sand	.....	No discharge.
Domestic Waste ...	Foam	No discharge.

[1] All Alaskan facilities are subject to the drilling fluids and drill cuttings discharge limitations for facilities located beyond 3 miles offshore.
[2] As determined by the toxicity test (Appendix 2).
[3] As determined by the static sheen test (Appendix 1).
[4] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).

§ 435.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this Subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

BCT Effluent Limitations

Waste source	Pollutant parameter	BCT effluent limitation
Produced water	Oil & grease.	The maximum for any one day shall not exceed 72 mg/l; the average of values for 30 consecutive days shall not exceed 48 mg/l.
Drilling fluids and drill cuttings:		
(A) For facilities located within 3 miles from shore.	.....	No discharge.[1]
(B) For facilities located beyond 3 miles from shore.	Free oil	No discharge.[2]
Well treatment, completion and workover fluids.	Free oil	No discharge.[2]
Deck drainage	Free oil	No discharge.[3]
Produced sand	.....	No discharge.
Sanitary M10	Residual chlorine.	Minimum of 1 mg/l and maintained as close to this concentration as possible.
Sanitary M91M	Floating solids.	No discharge.
Domestic Waste ...	Floating solids.	No discharge.
	All other domestic waste.	See 33 CFR Part 151.

[1] All Alaskan facilities are subject to the drilling fluids and drill cuttings discharge limitations for facilities located more than 3 miles offshore.
[2] As determined by the static sheen test (Appendix 1).
[3] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).

§ 435.15 Standards of performance for new sources (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

New Source Performance Standards

Waste source	Pollutant parameter	NSPS
Produced water ...	Oil and grease.	The maximum for any one day shall not exceed 42 mg/l; the average of daily values for 30 consecutive days shall not exceed 29 mg/l.
Drilling fluids and drill cuttings:		
(A) For facilities located within 3 miles from shore.	.....	No discharge.[1]
(B) For facilities located more than 3 miles from shore.	Toxicity	Minimum 96-hour LC50 of the SPP shall be 3 percent by volume.[2]
	Free oil	No discharge.[3]
	Diesel oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium ...	3 mg/kg dry weight maximum in the stock barite.
Well treatment, completion, and workover fluids.	Oil and grease.	The maximum for any one day shall not exceed 42 mg/l; the average of daily values for 30 consecutive days shall not exceed 29 mg/l.
Deck drainage	Free oil	No discharge.[4]
Produced sand	.....	No discharge.
Sanitary M10	Residual chlorine.	Minimum of 1 mg/l and maintained as close to this as possible.
Sanitary M91M	Floating solids.	No discharge.
Domestic Waste ..	Floating solids.	No discharge.
	Foam	No discharge.
	All other domestic waste.	See 33 CFR Part 151.

[1] All Alaskan facilities are subject to the drilling fluids and drill cuttings discharge standards for facilities located more than three miles offshore.
[2] As determined by the toxicity test (Appendix 2).
[3] As determined by the static sheen test (Appendix 1).
[4] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).

Appendix 1 to Subpart A of Part 435—Static Sheen Test

1. Scope and Application

This method is to be used as a compliance test for the "no discharge of free oil" requirement for discharges of drilling fluids, drill cuttings, produced sand, and well treatment, completion and workover fluids. "Free oil" refers to any oil contained in a waste stream that when discharged will cause a film or sheen upon or a discoloration of the surface of the receiving water.

2. Summary of Method

15-mL samples of drilling fluids or well treatment, completion, and workover fluids, and 15-g samples (wet weight basis) of drill cuttings or produced sand are introduced into ambient seawater in a container having an air-to-liquid interface area of 1000 cm^2 (155.5 in^2). Samples are dispersed within the container and observations made no more than one hour later to ascertain if these materials cause a sheen, iridescence, gloss, or increased reflectance on the surface of the test

seawater. The occurrence of any of these visual observations will constitute a demonstration that the tested material contains "free oil," and therefore results in a prohibition of its discharge into receiving waters.

3. Interferences

Residual "free oil" adhering to sampling containers, the magnetic stirring bar used to mix the sample, and the stainless steel spatula used to mix the sample will be the principal sources of contamination problems. These problems should only occur if improperly washed and cleaned equipment are used for the test. The use of disposable equipment minimizes the potential for similar contamination from pipettes and the test container.

4. Apparatus, Materials, and Reagents

4.1 Apparatus

4.1.1 Sampling Containers: 1-liter polyethylene beakers and 1-liter glass beakers.

4.1.2 Graduated cylinder: 100-mL graduated cylinder required only for operations where predilution of mud discharges is required.

4.1.3 Plastic disposable weighing boats.

4.1.4 Triple-beam scale.

4.1.5 Disposable pipettes: 25-mL disposable pipettes.

4.1.6 Magnetic stirrer and stirring bar.

4.1.7 Stainless steel spatula.

4.1.8 Test container: Open plastic container whose internal cross-section parallel to its opening has an area of 1000 cm^2±50 cm^2 (155.5 ±7.75 in^2), and a depth of at least 13 cm (5 inches) and no more than 30 cm (11.8 inches).

4.2 Materials and Reagents.

4.2.1 Plastic liners for the test container: Oil-free, heavy-duty plastic trash can liners that do not inhibit the spreading of an oil film. Liners must be of sufficient size to completely cover the interior surface of the test container. Permittees must determine an appropriate local source of liners that do not inhibit the spreading of 0.05 mL of diesel fuel added to the lined test container under the test conditions and protocol described below.

4.2.2 Ambient receiving water.

5. Calibration

None currently specified.

6. Quality Control Procedures

None currently specified.

7. Sample Collection and Handling

7.1 Sampling containers must be thoroughly washed with detergent, rinsed a minimum of three times with fresh water, and allowed to air dry before samples are collected.

7.2 Samples of drilling fluid to be tested shall be taken at the shale shaker after cuttings have been removed. The sample volume should range between 200 mL and 500 mL.

7.3 Samples of drill cuttings will be taken from the shale shaker screens with a clean spatula or similar instrument and placed in a glass beaker. Cuttings samples shall be collected prior to the addition of any washdown water and should range between 200 g and 500 g.

7.4 Samples of produced sand must be obtained from the solids control equipment from which the discharge occurs on any given day and shall be collected prior to the addition of any washdown water; samples should range between 200 g and 500 g.

7.5 Samples of well treatment, completion, and workover fluids must be obtained from the holding facility prior to discharge; the sample volume should range between 200 mL and 500 mL.

7.6 Samples must be tested no later than 1 hour after collection.

7.7 Drilling fluid samples must be mixed in their sampling containers for 5 minutes prior to the test using a magnetic bar stirrer. If predilution is imposed as a permit condition, the sample must be mixed at the same ratio with the same prediluting water as the discharged muds and stirred for 5 minutes.

7.8 Drill cuttings must be stirred and well mixed by hand in their sampling containers prior to testing, using a stainless steel spatula.

8. Procedure

8.1 Ambient receiving water must be used as the "receiving water" in the test. The temperature of the test water shall be as close as practicable to the ambient conditions in the receiving water, not the room temperature of the observation facility. The test container must have an air-to-liquid interface area of 1000 ±50 cm^2. The surface of the water should be no more than 1.27 cm (.5 inch) below the top of the test container.

8.2 Plastic liners shall be used, one per test container, and discarded afterwards. Some liners may inhibit spreading of added oil; operators shall determine an appropriate local source of liners that do not inhibit the spreading of the oil film.

8.3 A 15-mL sample of drilling fluid or well treatment, completion, and workover fluids must be introduced by pipette into the test container 1 cm below the water surface. Pipettes must be filled and discharged with test material prior to the transfer of test material and its introduction into test containers. The test water/test material mixture must be stirred using the pipette to distribute the test material homogeneously throughout the test water. The pipette must be used only once for a test and then discarded.

8.4 Drill cuttings or produced sand should be weighed on plastic weighing boats; 15-g samples must be transferred by scraping test material into the test water with a stainless steel spatula. Drill cuttings shall not be prediluted prior to testing. Also, drilling fluids and cuttings will be tested separately. The weighing boat must be immersed in the test water and scraped with the spatula to transfer any residual material to the test container. The drill cuttings or produced sand must be stirred with the spatula to an even distribution of solids on the bottom of the test container.

8.5 Observations must be made no later than 1 hour after the test material is transferred to the test container. Viewing points above the test container should be made from at least three sides of the test container, at viewing angles of approximately 60° and 30° from the horizontal. Illumination of the test container must be representative of adequate lighting for a working environment to conduct routine laboratory procedures. It is recommended that the water surface of the test container be observed under a fluorescent light source such as a dissecting microscope light. The light source shall be positioned above and directed over the entire surface of the pan.

8.6 Detection of a "silvery" or "metallic" sheen or gloss, increased reflectivity, visual color, iridescence, or an oil slick on the water surface of the test container surface shall constitute a demonstration of "free oil." These visual observations include patches, streaks, or sheets of such altered surface characteristics. If the free oil content of the sample approaches or exceeds 10%, the water surface of the test container may lack color, a sheen, or iridescence, due to the increased thickness of the film; thus, the observation for an oil slick is required. The surface of the test container shall not be disturbed in any manner that reduces the size of any sheen or slick that may be present.

If an oil sheen or slick occurs on less than one-half of the surface area after the sample is introduced to the test container, observations will continue for up to 1 hour. If the sheen or slick increases in size and covers greater than one-half of the surface area of the test container during the observation period, the discharge of the material shall cease. If the sheen or slick does not increase in size to cover greater than one-half of the test container surface area after one hour of observation, discharge may continue and additional sampling is not required.

If a sheen or slick occurs on greater than one-half of the surface area of the test container after the test material is introduced, discharge of the tested material shall cease. The permittee may retest the material causing the sheen or slick. If subsequent tests do not result in a sheen or slick covering greater than one-half of the surface area of the test container, discharge may continue.

Appendix 2 to Subpart A of Part 435—Drilling Fluids Toxicity Test

1. Sample Collection

The collection and preservation methods for drilling fluids (muds) and water samples presented here are designed to minimize sample contamination and alteration of the physical or chemical properties of the samples due to freezing, air oxidation, or drying.

1–A Apparatus

(1) The following items are required for water and drilling mud sampling and storage:

a. Acid-rinsed linear-polyethylene bottles or other appropriate noncontaminating drilling mud sampler.

b. Acid-rinsed linear-polyethylene bottles or other appropriate noncontaminating water sampler.

c. Acid-rinsed linear-polyethylene bottles or other appropriate noncontaminated vessels for water and mud samples.

d. Ice chests for preservation and shipping of mud and water samples.

I–B. Water Sampling

(1) Collection of water samples shall be made with appropriate acid-rinsed linear-polyethylene bottles or other appropriate non-contaminating water sampling devices. Special care shall be taken to avoid the introduction of contaminants from the sampling devices and containers. Prior to use, the sampling devices and containers should be thoroughly cleaned with a detergent solution, rinsed with tap water, soaked in 10 percent hydrochloric acid (HCl) for 4 hours, and then thoroughly rinsed with glass-distilled water.

I–C. Drilling Mud Sampling

(1) Drilling mud formulations to be tested shall be collected from active field systems. Obtain a well-mixed sample from beneath the shale shaker after the mud has passed through the screens. Samples shall be stored in polyethylene containers or in other appropriate uncontaminated vessels. Prior to sealing the sample containers on the platform, flush as much air out of the container by filling it with drilling fluid sample, leaving a one inch space at the top.

(2) Mud samples shall be immediately shipped to the testing facility on blue or wet ice (do not use dry ice) and continuously maintained at 0–4° C until the time of testing.

(3) Bulk mud samples shall be thoroughly mixed in the laboratory using a 1000 rpm high shear mixer and then subdivided into individual, small wide-mouthed (e.g., one or two liter) non-contaminating containers for storage.

(4) The drilling muds stored in the laboratory shall have any excess air removed by flushing the storage containers with nitrogen under pressure anytime the containers are opened. Moreover, the sample in any container opened for testing must be thoroughly stirred using a 1000 rpm high shear mixer prior to use.

(5) Most drilling mud samples may be stored for periods of time longer than 2 weeks prior to toxicity testing provided that proper containers are used and proper condition are maintained.

II. Suspended Particulate Phase Sample Preparation

(1) Mud samples that have been stored under specified conditions in this protocol shall be prepared for tests within three months after collection. The SPP shall be prepared as detailed below.

II—A Apparatus

(1) The following items are required:

a. Magnetic stir plates and bars.

b. Several graduated cylinders, ranging in volume from 10 mL to 1 L

c. Large (15 cm) powder funnels.

d. Several 2-liter graduated cylinders.

e. Several 2-liter large mouth graduated Erlenmeyer flasks.

(2) Prior to use, all glassware shall be thoroughly cleaned. Wash all glassware with detergent, rinse five times with tap water, rinse once with acetone, rinse several times with distilled or deionized water, place in a clean 10-percent (or stronger) HCl acid bath for a minimum of 4 hours, rinse five times with tap water, and then rinse five times with distilled or deionized water. For test samples containing mineral oil or diesel oil, glassware should be washed with petroleum ether to assure removal of all residual oil.

Note: If the glassware with nytex cups soaks in the acid solution longer than 24 hours, then an equally long deionized water soak should be performed.

II–B Test Seawater Sample Preparation

(1) Diluent seawater and exposure seawater samples are prepared by filtration through a 1.0 micrometer filter prior to analysis.

(2) Artificial seawater may be used as long as the seawater has been prepared by standard methods or ASTM methods, has been properly "seasoned," filtered, and has been diluted with distilled water to the same specified 20±2 ppt salinity and 20±2° C temperature as the "natural" seawater.

II–C Sample Preparation

(1) The pH of the mud shall be tested prior to its use. If the pH is less than 9, if black spots have appeared on the walls of the sample container, or if the mud sample has a foul odor, that sample shall be discarded. Subsample a manageable aliquot of mud from the well-mixed original sample. Mix the mud and filtered test seawater in a volumetric mud-to-water ratio of 1 to 9. This is best done by the method of volumetric displacement in a 2–L, large mouth, graduated Erlenmeyer flask. Place 1000 mL of seawater into the graduated Erlenmeyer flask. The mud subsample is then carefully added via a powder funnel to obtain a total volume of 1200 mL. (A 200 mL volume of the mud will now be in the flask).

The 2–L, large mouth, graduated Erlenmeyer flask is then filled to the 2000 mL mark with 800 mL of seawater, which produces a slurry with a final ratio of one volume drilling mud to nine volumes water. If the volume of SPP required for testing or analysis exceeds 1500 to 1600 mL, the initial volumes should be proportionately increased. Alternatively, several 2–L drill mud/water slurries may be prepared as outlined above and combined to provide sufficient SPP.

(2) Mix this mud/water slurry with magnetic stirrers for 5 minutes. Measure the pH and, if necessary, adjust (decrease) the pH of the slurry to within 0.2 units of the seawater by adding 6N HCl while stirring the slurry. Then, allow the slurry to settle for 1 hour. Record the amount of HCl added.

(3) At the end of the settling period, carefully decant (do not siphon) the Suspended Particulate Phase (SPP) into an appropriate container. Decanting the SPP is one continuous action. In some cases no clear interface will be present; that is, there will be no solid phase that has settled to the bottom. For those samples the entire SPP solution should be used when preparing test concentrations. However, in those cases when no clear interface is present, the sample must be remixed for five minutes. This insures the homogeneity of the mixture prior to the preparation of the test concentrations. In other cases, there will be samples with two or more phases, including a solid phase. For those samples, carefully and continuously decant the supernatant until the solid phase on the bottom of the flask is reached. The decanted solution is defined to be 100 percent SPP. Any other concentration of SPP refers to a percentage of SPP that is obtained by volumetrically mixing 100 percent SPP with seawater.

(4) SPP samples to be used in toxicity tests shall be mixed for 5 minutes and must not be preserved or stored.

(5) Measure the filterable and unfilterable residue of each SPP prepared for testing. Measure the dissolved oxygen (DO) and pH of the SPP. If the DO is less than 4.9 ppm, aerate the SPP to at least 4.9 ppm which is 65 percent of saturation. Maximum allowable aeration time is 5 minutes using a generic commercial air pump and air stone. Neutralize the pH of the SPP to a pH 7.8±.1 using a dilute HCl solution. If too much acid is added to lower the pH saturated NaOH may be used to raise the pH to 7.8±.1 units. Record the amount of acid or NaOH needed to lower/raise to the appropriate pH. Three repeated DO and pH measurements are needed to insure homogeneity and stability of the SPP. Preparation of test concentrations may begin after this step is complete.

(6) Add the appropriate volume of 100 percent SPP to the appropriate volume of seawater to obtain the desired SPP concentration. The control is seawater only. Mix all concentrations and the control for 5 minutes by using magnetic stirrers. Record the time; and, measure DO and pH for Day 0. Then, the animals shall be randomly selected and placed in the dishes in order to begin the 96-hour toxicity test.

III. Guidance for Performing Suspended Particulate Phase Toxicity Tests Using Mysidopsis bahia

III–A Apparatus

(1) Items listed by Borthwick [1] are required for each test series, which consists of one set of control and test containers, with three replicates of each.

III–B Sample Collection Preservation

(1) Drilling muds and water samples are collected and stored, and the suspended particulate phase prepared as described in Section 1–C.

III–C Species Selection

(1) The Suspended Particulate Phase (SPP) tests on drilling muds shall utilize the test species *Mysidopsis bahia*. Test animals shall be 3 to 6 days old on the first day of exposure. Whatever the source of the animals, collection and handling should be as gentle as possible. Transportation to the laboratory should be in well-aerated water from the animal culture site at the temperature and salinity from which they were cultured. Methods for handling, acclimating, and sizing bioassay organisms given by Borthwick [1] and Nimmo [2] shall be followed in matters for which no guidance is given here.

III–D Experimental Conditions

(1) Suspended particulate phase (SPP) tests should be conducted at a salinity of 20±2 ppt. Experimental temperature should be 20±2°C.

Dissolved oxygen in the SPP shall be raised to or maintained above 65 percent of saturation prior to preparation of the test concentrations. Under these conditions of temperature and salinity, 65 percent saturation is a DO of 5.3 ppm. Beginning at Day 0-before the animals are placed in the test containers DO, temperature, salinity, and pH shall be measured every 24 hours. DO should be reported in milligrams per liter.

(2) Aeration of test media is required during the entire test with a rate estimated to be 50–140 cubic centimeters/minute. This air flow to each test dish may be achieved through polyethylene tubing (0.045-inch inner diameter and 0.062-inch outer diameter) by a small generic aquarium pump. The delivery method, surface area of the aeration stone, and flow characteristics shall be documented. All treatments, including control, shall be the same.

(3) Light intensity shall be 1200 microwatts/cm^2 using cool white fluorescent bulbs with a 14-hr light and 10-hr dark cycle. This light/dark cycle shall also be maintained during the acclimation period and the test.

III–E Experimental Procedure

(1) Wash all glassware with detergent, rinse five times with tap water, rinse once with acetone, rinse several times with distilled or deionized water, place in a clean 10 percent HCl acid bath for a minimum of 4 hours, rinse five times with tap water, and then rinse five times with distilled water.

(2) Establish the definitive test concentration based on results of a range finding test. A minimum of five test concentrations plus a negative and positive (reference toxicant) control is required for the definitive test. To estimate the LC–50, two concentrations shall be chosen that give (other than zero and 100 percent) mortality above and below 50 percent.

(3) Twenty organisms are exposed in each test dish. Nytex® cups shall be inserted into every test dish prior to adding the animals. These "nylon mesh screen" nytex holding cups are fabricated by gluing a collar of 363-micrometer mesh nylon screen to a 15-centimeter wide Petri dish with silicone sealant. The nylon screen collar is approximately 5 centimeters high. The animals are then placed into the test concentration within the confines of the Nytex cups.

(4) Individual organisms shall be randomly assigned to treatment. A randomization procedure is presented in Section V of this protocol. Make every attempt to expose animals of approximately equal size. The technique described by Borthwick [1], or other suitable substitutes, should be used for transferring specimens. Throughout the test period, mysids shall be fed daily with approximately 50 *Artemia* (brine shrimp) nauplii per mysid. This will reduce stress and decrease cannibalism.

(5) Cover the dishes, aerate, and incubate the test containers in an appropriate test chamber. Positioning of the test containers holding various concentrations of test solution should be randomized if incubator arrangement indicates potential position difference. The test medium is not replaced during the 96-hour test.

(6) Observations may be attempted at 4, 6 and 8 hours; they must be attempted at 0, 24, 48, and 72 hours and must be made at 96 hours. Attempts at observations refers to placing a test dish on a light table and visually counting the animals. Do not lift the "nylon mesh screen" cup out of the test dish to make the observation. No unnecessary handling of the animals should occur during the 96 hour test period. DO and pH measurements must also be made at 0, 24, 48, 72, and 96 hours. Take and replace the test medium necessary for the DO and pH measurements outside of the nytex cups to minimize stresses on the animals.

(7) At the end of 96 hours, all live animals must be counted. Death is the end point, so the number of living organisms is recorded. Death is determined by lack of spontaneous movement. All crustaceans molt at regular intervals, shedding a complete exoskeleton. Care should be taken not to count an exoskeleton. Dead animals might decompose or be eaten between observations. Therefore, always count living, not dead animals. If daily observations are made, remove dead organisms and molted exoskeletons with a pipette or forceps. Care must be taken not to disturb living organisms and to minimize the amount of liquid withdrawn.

IV. Methods for Positive Control Tests (Reference Toxicant)

(1) Sodium lauryl sulfate (dodecyl sodium sulfate) is used as a reference toxicant for the positive control. The chemical used should be approximately 95 percent pure. The source, lot number, and percent purity shall be reported.

(2) Test methods are those used for the drilling fluid tests, except that the test material was prepared by weighing one gram sodium lauryl sulfate on an analytical balance, adding the chemical to a 100-milliliter volumetric flask, and bringing the flask to volume with deionized water. After mixing this stock solution, the test mixtures are prepared by adding 0.1 milliliter of the stock solution for each part per million desired to one liter of seawater.

(3) The mixtures are stirred briefly, water quality is measured, animals are added to holding cups, and the test begins. Incubation and monitoring procedures are the same as those for the drilling fluids.

V. Randomization Procedure

V–A Purpose and Procedure

(1) The purpose of this procedure is to assure that mysids are impartially selected and randomly assigned to six test treatments (five drilling fluid or reference toxicant concentrations and a control) and impartially counted at the end of the 96-hour test. Thus, each test setup, as specified in the randomization procedure, consists of 3 replicates of 20 animals for each of the six treatments, i.e., 360 animals per test. Figure 1 is a flow diagram that depicts the procedure schematically and should be reviewed to understand the over-all operation. The following tasks shall be performed in the order listed.

(2) Mysids are cultured in the laboratory in appropriate units. If mysids are purchased, go to Task 3.

(3) Remove mysids from culture tanks (6, 5, 4, and 3 days before the test will begin, i.e. Tuesday, Wednesday, Thursday, and Friday if the test will begin on Monday) and place them in suitably large maintenance containers so that they can swim about freely and be fed.

Note: Not every detail (the definition of suitably large containers, for example) is provided here. Training and experience in aquatic animal culture and testing will be required to successfully complete these tests.

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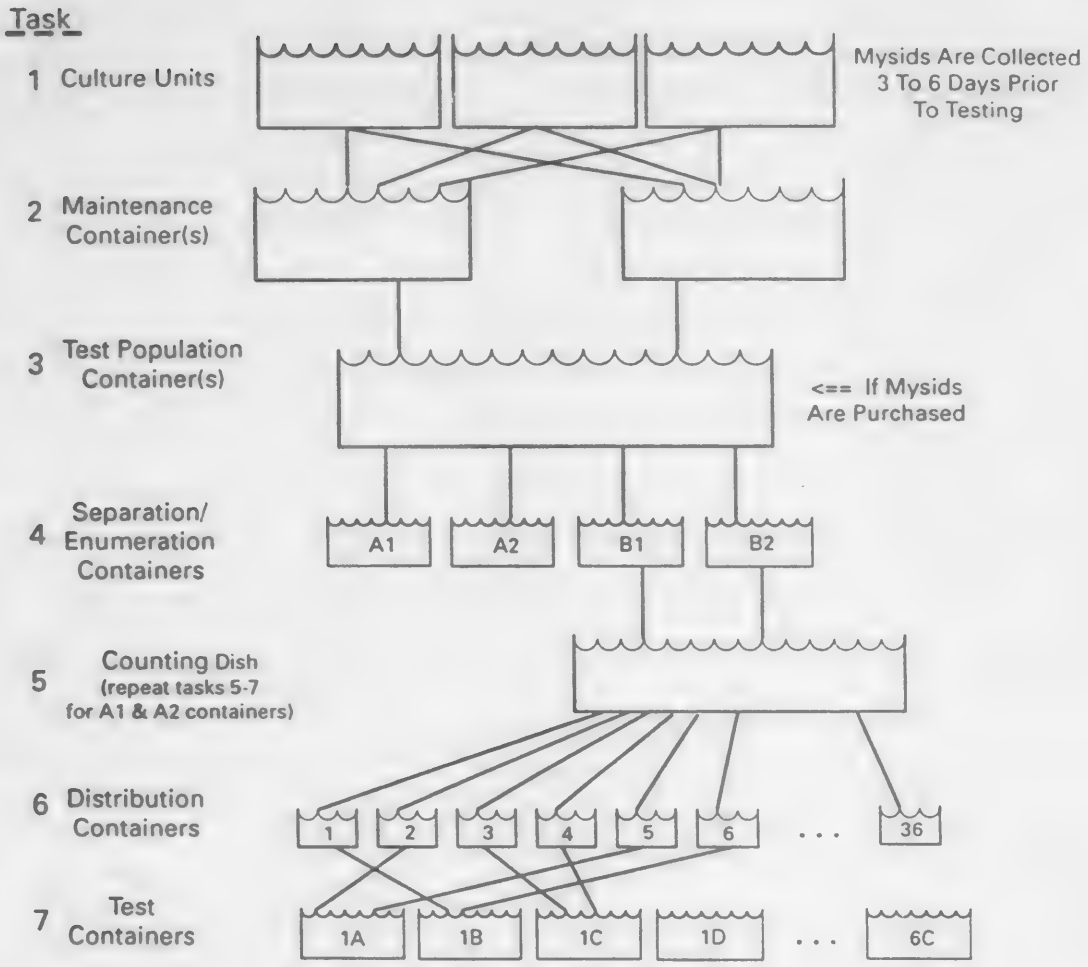
Figure 1
Mysid Randomization Procedure



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(4) Remove mysids from maintenance containers and place all animals in a single container. The intent is to have homogeneous test population of mysids of a known age (3–6 days old).

(5) For each toxicity test, assign two suitable containers (500-milliliter (mL) beakers are recommended) for mysid separation/enumeration. Label each container (A1, A2, B1, B2, and C1, C2, for example, if two drilling fluid tests and a reference toxicant test are to be set up on one day). The purpose of this task is to allow the investigator to obtain a close estimate of the number of animals available for testing and to prevent unnecessary crowding of the mysids while they are being counted and assigned to test containers. Transfer the mysids from the large test population container to the labeled separation and enumeration containers but do not place more than 200 mysids in a 500-mL beaker. Be impartial in transferring the mysids; place approximately equal numbers of animals (10–15 mysids is convenient) in each container in a cyclic manner rather than placing the maximum number each container at one time.

Note: It is important that the animals not be unduly stressed during this selection and assignment procedure. Therefore, it will probably be necessary to place all animals (except the batch immediately being assigned to test containers) in mesh cups with flowing seawater or in large volume containers with aeration. The idea is to provide the animals with near optimal conditions to avoid additional stress.

(6) Place the mysids from the two labeled enumeration containers assigned to a specific test into one or more suitable containers to be used as counting dishes (2-liter Carolina dishes are suggested). Because of the time required to separate, count, and assign mysids, two or more people may be involved in completing this task. If this is done, two or more counting dishes may be used, but the investigator must make sure that approximately equal numbers of mysids from each labeled container are placed in each counting dish.

(7) By using a large-bore, smooth-tip glass pipette, select mysids from the counting dish(es) and place them in the 36 individually numbered distribution containers (10-ml beakers are suggested). The mysids are assigned two at a time to the 36 containers by using a randomization schedule similar to the one presented below. At the end of selection/assignment round 1, each container will contain two mysids; at the end of round 2, they will contain four mysids; and so on until each contains ten mysids.

EXAMPLE OF A RANDOMIZATION SCHEDULE

Selection/assignment round (2 mysids each)	Place mysid in the numbered distribution containers in the random order shown
1	8, 21, 6, 28, 33, 32, 1, 3, 10, 9, 4, 14, 23, 2, 34, 22, 36, 27, 5, 30, 35, 24, 12, 25, 11, 17, 19, 26, 31, 7, 20, 15, 18, 13, 16, 29.
2	35, 18, 5, 12, 32, 34, 22, 3, 9, 16, 26, 13, 20, 28, 6, 21, 24, 30, 8, 31, 7, 23, 2, 15, 25, 17, 1, 11, 27, 4, 19, 36, 10, 33, 14, 29.
3	7, 19, 14, 11, 34, 21, 25, 27, 17, 18, 6, 16, 29, 2, 32, 10, 4, 20, 3, 9, 1, 5, 28, 24, 31, 15, 22, 13, 33, 26, 36, 12, 8, 30, 35, 23.
4	30, 2, 18, 5, 8, 27, 10, 25, 4, 20, 26, 15, 31, 36, 35, 23, 11, 29, 16, 17, 28, 1, 33, 14, 9, 34, 7, 3, 12, 22, 21, 6, 19, 24, 32, 13.
5	34, 28, 16, 17, 10, 12, 1, 36, 20, 18, 15, 22, 2, 4, 19, 23, 27, 29, 25, 21, 30, 3, 9, 33, 32, 6, 14, 11, 35, 24, 26, 7, 31, 5, 13, 8.

(8) Transfer mysids from the 36 distribution containers to 18 labeled test containers in random order. A label is assigned to each of the three replicates (A, B, C) of the six test concentrations. Count and record the 96 hour response in an impartial order.

(9) Repeat tasks 5–7 for each toxicity test. A new random schedule should be followed in Tasks 6 and 7 for each test.

Note: If a partial toxicity test is conducted, the procedures described above are appropriate and should be used to prepare the single test concentration and control, along with the reference toxicant test.

V–B. Data Analysis and Interpretation

(1) Complete survival data in all test containers at each observation time shall be presented in tabular form. If greater than 10 percent mortality occurs in the controls, all data shall be discarded and the experiment repeated. Unacceptably high control mortality indicates the presence of important stresses on the organisms other than the material being tested, such as injury or disease, stressful physical or chemical conditions in the containers, or improper handling, acclimation, or feeding. If 10 percent mortality or less occurs in the controls, the data may be evaluated and reported.

(2) A definitive, full bioassay conducted according to the EPA protocol is used to estimate the concentration that is lethal to 50 percent of the test organisms that do not die naturally. This toxicity measure is known as the median lethal concentration, or LC–50. The LC–50 is adjusted for natural mortality or natural responsiveness. The maximum likelihood estimation procedure with the adjustments for natural responsiveness as given by D.J. Finney, in *Probit Analysis* 3rd edition, 1971, Cambridge University Press, Chapter 7, can be used to obtain the probit model estimate of the LC–50 and the 95 percent fiducial (confidence) limits for the LC–50. These estimates are obtained using the logarithmic transform of the concentration. The heterogeneity factor (Finney 1971, pages 70–72) is not used. For a test material to pass the toxicity test, according to the requirements stated in the offshore oil and gas extraction industry BAT effluent limitations and NSPS, the LC–50, adjusted for natural responsiveness, must be greater than 3 percent suspended particulate phase (SPP) concentration by volume unadjusted for the 1 to 9 dilution. Other toxicity test models may be used to obtain toxicity estimates provided the modeled mathematical expression for the lethality rate must increase continuously with concentration. The lethality rate is modeled to increase with concentration to reflect an assumed increase in toxicity with concentration even though the observed lethality may not increase uniformly because of the unpredictable animal response fluctuations.

(3) The range finding test is used to establish a reasonable set of test concentrations in order to run the definitive test. However, if the lethality rate changes rapidly over a narrow range of concentrations, the range finding assay may be too coarse to establish an adequate set of test concentrations for a definitive test.

(4) The EPA Environmental Research Laboratory in Gulf Breeze, Florida prepared a Research and Development Report entitled Acute Toxicity of Eight Drilling Fluids to Mysid Shrimp (*Mysidopsis bahia*), May 1984 EPA–600/3–84–067. The Gulf Breeze data for drilling fluid number 1 are displayed in Table 1 for purposes of an example of the probit analysis described above. The SAS Probit Procedure (SAS Institute, Statistical Analysis System, Cary, North Carolina, 1982) was used to analyze these data. The 96-hour LC50 adjusted for the estimated spontaneous mortality rate is 3.3 percent SPP with 95 percent limits of 3.0 and 3.5 percent SPP with the 1 to 9 dilution. The estimated spontaneous mortality rate based on all of the data is 9.6 percent.

TABLE 1.—LISTING OF ACUTE TOXICITY TEST DATA (AUGUST 1983 TO SEPTEMBER 1983) WITH EIGHT GENERIC DRILLING FLUIDS AND MYSID SHRIMP

[fluid N2=1]

Percent concentration	Number exposed	Number dead (96 hours)	Number alive (96 hours)
0	60	3	57
1	60	11	49
2	60	11	49
3	60	25	35
4	60	48	12
5	60	60	0

V–C. The Partial Toxicity Test for Evaluation of Test Material

(1) A partial test conducted according to EPA protocol can be used economically to demonstrate that a test material passes the toxicity test. The partial test cannot be used to estimate the LC–50 adjusted for natural response.

(2) To conduct a partial test follow the test protocol for preparation of the test material and organisms. Prepare the control (zero concentration), one test concentration (3 percent suspended particulate phase) and the reference toxicant according to the methods of the full test. A range finding test is not used for the partial test.

(3) Sixty test organisms are used for each test concentration. Find the number of test organisms killed in the control (zero percent SPP) concentration in the column labeled X_0 of Table 2. If the number of organisms in the control (zero percent SPP) exceeds the table values, then the test is unacceptable and must be repeated. If the number of organisms killed in the 3 percent test concentration is less than or equal to corresponding number in the column labeled X_1 then the test material passes the partial toxicity test. Otherwise the test material fails the toxicity test.

(4) Data shall be reported as percent suspended particulate phase.

TABLE 2

X_0	X_1
0	22
1	22
2	23
3	23
4	24
5	24
6	25

VI. References

1. Borthwick, Patrick W. 1978. Methods for acute static toxicity tests with mysid shrimp (*Mysidopsis bahia*). Bioassay Procedures for the Ocean Disposal Permit Program, [EPA–600/9–78–010:] March.

2. Nimmo, D.R., T.L. Hamaker, and C.A. Somers. 1978. Culturing the mysid (*Mysidopsis bahia*) in flowing seawater or a static system. Bioassay Procedures for the Ocean Disposal Permit Program, [EPA–600/9–78–010]: March.

3. American Public Health Association et al. 1980. Standard Methods for the Examination of Water and Wastewater. Washington, D.C. 15th Edition: 90–99.

4. U.S. Environmental Protection Agency, September 1991. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms EPA/600/4–90/027. Washington, D.C. 4th Edition.

5. Finney, D.J. Probit Analysis. Cambridge University Press; 1971.

6. U.S. Environmental Protection Agency, May 1984. Acute Toxicity of Eight Drilling Fluids to Mysid Shrimp (*Mysidopsis bahia*). EPA–600/3–84–067.

[FR Doc. 93–4528 Filed 3–3–93; 8:45 am]

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federal register

Thursday
March 4, 1993

Part III

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 440

Weatherization Assistance Program for Low-Income Persons; Final Rule

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 440

[Docket No. CE-RM-91-110]

Weatherization Assistance Program for Low-Income Persons

AGENCY: Department of Energy
ACTION: Notice of final rulemaking

SUMMARY: The Department of Energy (DOE) is today issuing final amendments to the regulation for the Weatherization Assistance Program for Low-Income Persons to implement statutory changes enacted as the State Energy Efficiency Programs Improvement Act of 1990. In addition to these statutory changes, DOE is adding other changes based on program experience gained over the past 5 years since issuance of the last version of the regulation. These changes add clarifying language or delete obsolete language in the regulation in order to ensure uniform interpretation of this regulation by State and local agencies administering the program. The amendments in this final rule will give States and local agencies additional flexibility in addressing the particular weatherization needs of their low-income citizens.

The principal amendments in today's final rule are for the purposes of: Adding certain cooling measures; addressing the needs of renters; clarifying the allowability of costs to abate energy-related health and safety hazards; establishing procedures and standards for waiver of the 40 percent materials average; establishing procedures and standards for adjustment of the average unit dwelling cost limitation for furnace and cooling efficiency modifications; allowing States to increase by up to 5 percent the amount of funds certain eligible local agencies can use for administrative purposes; allowing States the option of requiring financial participation from landlords when weatherizing their multifamily buildings; and repealing the performance fund.

EFFECTIVE DATE: This regulation is effective April 5, 1993. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 5, 1993.

FOR FURTHER INFORMATION CONTACT: James Gardner or Greg Reamy, Weatherization Assistance Program Division, U.S. Department of Energy, Mail Stop CE-532, 5G-023, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2207.

Neal J. Strauss or Vivian Lewis, Office of General Counsel, Conservation and Regulations, Mail Stop GC-41, 6B-256, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department of Energy (DOE or Department) today gives notice of final amendments to revise the program regulations for the Weatherization Assistance Program for Low-Income Persons (WAP), which are codified in 10 CFR part 440 and which are authorized by title III of the Energy Conservation and Production Act, as amended (Act), 42 U.S.C. 6861, *et seq.* (WAP is also subject to the DOE general financial assistance regulations in 10 CFR part 600.) The principal purpose of the regulatory amendments finalized today is to implement most of the amendments to the Act by the State Energy Efficiency Programs Improvement Act of 1990 (Amending Act) (Pub. L. 101-440). Pursuant to the new statutory amendments, today's final amendments: (1) Add specific cooling measures to the program; (2) add provisions for a waiver to the requirement to spend an average of 40 percent of grant funds on weatherization materials; (3) add provisions for annual adjustment of the statewide average per-home expenditure; (4) allow local agencies receiving grants of less than $350,000 of appropriated funds to use up to an additional 5 percent for administrative purposes; (5) require States to ensure tenants' protection from rent increases and related actions due solely to weatherization work, and allow States to require landlord participation in the weatherization of multifamily buildings; (6) repeal the performance fund; (7) encourage States to actively seek non-Federal funds to increase the amount of funds available for low-income weatherization; and (8) require States to collect data annually on the average costs incurred in weatherization of individual dwelling units, the average size of the dwellings weatherized, and the average income of households receiving assistance. DOE expects to complete implementation of the WAP portion of the Amending Act by conducting at an appropriate point in time a rulemaking to establish regulations for the award of incentive funds to reward best performance by States or subgrantees. 42 U.S.C. 6865 (d), (e).

In addition to the parts of today's final rule to implement the amendments to the Act, DOE has made certain clarifications, corrections, and other discretionary changes to the existing rule. This action is necessitated by the evolution of the program since the last major rulemaking issued on January 4, 1984. 50 FR 708. These changes will help States by clarifying sections of the rule, thereby encouraging a uniform interpretation and application of the program requirements. DOE has also updated appendix A to include all new materials approved for use in the program through November 30, 1992, and the standards for those materials. Some of the definitions in § 440.3 have been clarified, and, where needed, new definitions have been added which will provide a clearer and more concise meaning to States and local agencies who must interpret these regulations. Other sections applying to energy audits, allowable expenditures, and subgrantees have been clarified to enhance their meanings; and certain obsolete items have been deleted.

On October 23, 1991 (56 FR 54932), DOE issued a Notice of Proposed Rulemaking, Public Hearings and Request for Public Comments for the Weatherization Assistance Program for Low-Income Persons. In response to this notice, DOE received 290 written comments and heard testimony from 49 individuals at public hearings held November 20, 1991, in San Francisco, CA; December 13, 1991, in Baltimore, MD; December 17, 1991, in Dallas, TX; and December 19, 1991, in Chicago, IL. As a result of the large number of comments received expressing concerns on several areas of the NOPR, a number of significant, as well as minor, changes have been made to the final rule, and those changes are reflected herein.

DOE consulted with the State Energy Advisory Board chartered under Public Law 101-440, and provided the members of the Board an opportunity to give advice on the major issues in the rulemaking including appropriate energy audit procedures.

II. Amendments to the Weatherization Assistance Program

§ 440.3 Definitions

The Amending Act added "children" to the "elderly" and "handicapped" as groups identified by § 411(b) as especially deserving of WAP services. DOE proposed a definition for "children" in § 440.3 which included dependents under the age of 18, or age 19 if a full-time student in a secondary school or equivalent technical or vocational school and who may reasonably be expected to complete the program before reaching the age of 19.

DOE believed that this definition would help facilitate the eligibility certification process for States and subgrantees that administer both the Health and Human Services and DOE weatherization programs. Twenty-three commenters suggested that States be given the option to limit the definition, for example to age 12 and under or age 6 and under. DOE agrees that the States should have some flexibility to define "children" in light of their assessments of how priorities should be assigned among their low-income population segments. Therefore, DOE has modified the definition of "children" and will allow States to define that term in a manner which meets their specific needs, provided it does not exceed 19 years of age. This change has been adopted in the final rule.

DOE has deleted the definition for "Operations Office Manager" and replaced it with "Support Office Director" as a result of DOE field realignment.

DOE proposed a change in the definition for "separate living quarters" which includes a reference to "shelters" for homeless persons. Additionally, a definition for "shelter" was proposed which would specifically address units that house individuals on a temporary basis. The current regulation does not specifically state that these units can be weatherized. This has led to confusion among States when addressing this issue. Two commenters contended that WAP funds should not be used to weatherize shelters, stating that other resources are available for shelters. DOE and 133 commenters believe that it is appropriate to include shelters under WAP. These shelters and their occupants generally meet all of WAP eligibility criteria. While it may be true in some States that other resources are available, DOE has no discretion to eliminate dwellings that are otherwise eligible on that basis. Therefore, § 440.22(f) specifically authorizes weatherization of shelters and defines their eligibility. Further, DOE wishes to clarify that shelters such as group homes, transitional housing, homes for battered women, and other types of living arrangements which meet the WAP definition of a shelter are dwelling units which are eligible for weatherization.

DOE also proposed to amend § 440.3, as required by the Amending Act, to allow States to include under "weatherization materials" the following items: Cooling efficiency modifications, which include replacement air-conditioners, ventilation equipment, screening, window films, and shading devices. Standards for purchasing these materials are listed in Appendix A. Adding these measures will allow States, especially in warm climates, to better address weatherization priorities where reducing energy consumption for cooling requirements is just as important as reducing energy consumption for heating requirements. Fifty-seven commenters supported the additional cooling measures.

With respect to air conditioners, DOE proposed to allow the replacement of existing ones only. Air conditioners include window units, central units, and heat pumps which perform a dual heating/cooling function. States which opt to include replacement air conditioners would have to follow applicable Federal, State, and local environmental laws covering the disposal of old air conditioners due to the types of chemicals used in these units. The costs associated with the disposal of old air conditioners which are replaced under this program would be an allowable program cost. Thirty-one commenters recommended that air conditioners not be limited to warm States. As with any other measure, the energy audit procedure must determine whether an air conditioner should be replaced. Thus, depending on the audit results, replacement air conditioners could possibly be installed in both warm- and cold-weather States. Five commenters recommended against including replacement air conditioners except for medical reasons. Still other commenters argued against the inclusion of air conditioners under any circumstances. However, the Amending Act explicitly requires inclusion of this measure. 104 Stat. 1012. Thus, this measure will be retained in the final rule.

With respect to ventilation equipment, DOE proposed to amend appendix A to include ceiling fans, attic fans, whole house fans, and evaporative coolers. Most comments were generally supportive, and DOE has retained the change in the final rule. Although several commenters recommended adding certain other types of ventilation equipment, such as table fans and window fans, DOE has decided to exclude them. These types of ventilation equipment are energy-inefficient and therefore not cost-effective.

Despite several comments received with respect to shading devices, DOE believes this measure should continue to be limited to items such as screens, window films, and reflective materials which are already listed in appendix A. Two commenters suggested that DOE include window shades, window blinds, and fabricated storm windows treated with ultraviolet plastic as shading devices. Window shades and fabricated storm windows treated with plastic window films are already included in appendix A. Window blinds have been added to appendix A for use as a shading device. Eleven commenters suggested that trees be included as shading devices. DOE believes that trees are not a viable option for this program because of the considerable amount of time it takes for trees to grow to a height which would provide sufficient shade to cool the exterior of the dwelling unit. DOE program funds would be better spent on measures which would provide immediate relief from areas experiencing extreme heat.

As a result of comments received, DOE is including a definition for the term "capital-intensive furnace and cooling efficiency modifications" which is used in § 440.18(b)(2). That term refers to those major improvements which require the expenditure of a substantial amount of funds to complete. These include, but are not limited to, furnace or cooling unit replacements, certain repairs and replacement of parts to boilers and furnaces, replacement of wood stoves, and others as listed in appendix A. In the absence of capital intensive furnace or cooling efficiency modifications, those items which are not capital-intensive should not be used to apply for an increase to the average per dwelling unit limitation on expenditures under § 415(c)(4)(A) of the Act. Examples of such items are furnace or cooling unit tune-ups, repairs, filters, or other inexpensive modifications listed in appendix A which improve the efficiency of the unit. 42 U.S.C. 6865(c)(4)(A). These relatively low-cost items should be included as a part of a State's regular weatherization program and the costs absorbed within the annually adjusted average per dwelling unit limitation on expenditures under § 415(c)(3) of the Act. 42 U.S.C. 6865(c)(3).

§ 440.12 State Application

DOE proposed to amend this section to require States to include, as a part of their application, a rental plan implementing the provisions in § 440.22(b)(3). Several commenters argued for modification of this provision to allow greater flexibility for States to describe and update as necessary what the procedures would be for meeting the requirements of § 440.22(b)(3). DOE agrees that such a modification is appropriate because the primary responsibility for ensuring that weatherization benefits accrue to tenants is on the States. 42 U.S.C.

6863(b)(2); 1990 U.S. Code Cong. and Admin. News 1657. The content of the rental plan is further discussed under § 440.22. Therefore, the rental plan requirement in § 440.12 has been eliminated, and the substance of it has been added to § 440.16(i) in order to reflect the statutory requirement on States to establish implementing procedures and processes. 42 U.S.C. 6863(b)(2)(B).

§ 440.13 Local Applications

DOE proposed to amend § 440.13 which describes what actions will take place in the event a local applicant becomes a direct grantee of the weatherization program. The proposed amendment is largely technical and would conform § 440.13 to the appeal procedures in § 440.30. Since there were no comments received to this proposed change, it has been adopted in the final regulation.

§ 440.14 State Plans

DOE proposed to amend this section to require States to include the criteria they will use for providing additional administrative funds to subgrantees as specified in § 440.18(d). Also, § 440.14(b)(9)(xii) was proposed to be amended to include the phrase "for use statewide" when referring to the definition of low income. This would clarify that a State must use the same eligibility criteria throughout the State. That is, when the State determines what income levels it will use for determining low income, those income levels would be applied uniformly throughout the State. The current regulation defines low income using three categories and is often misinterpreted to mean that the State can use any or all of the categories; thus, more than one income level could possibly be used throughout the State—for example, 125 percent of poverty for rural areas and 150 percent of poverty for urban areas. DOE wishes to make clear that a State may not use more than one income level in defining low income. Comments received in these areas were supportive, and DOE has retained its proposed changes.

Consistent with the new statutory amendments, DOE proposed to add § 440.14(b)(9)(xiv) which allows DOE to approve established plans and procedures, submitted by States as a part of the State plan, for using Federal funds to increase the amount of weatherization assistance that a State obtains from non-Federal sources including private sources. States may take a percentage of their base grant (including Petroleum Violation Escrow funds used under the weatherization program) or a percentage of their training and technical assistance funds or a portion of both to undertake leveraging activities. States must identify in their annual plans the specific amount of funds, details of how those funds will be used for obtaining non-Federal resources for their weatherization programs, and the expected leveraging effect from the use of those Federal funds. States must also explain how the amount to be used for leveraging is reasonable when considered in the context of § 440.15(b) of the regulation which requires funds to be allocated on the basis of relative need in each area.

Thirty-five commenters expressed concern that leveraging is important, but must supplement, not supplant, Federal allocations. In other words, States' leveraging of funds should not result in less Federal funding for WAP. DOE views leveraged funds as a way to supplement rather than supplant the Federal allocations. No changes in the proposed regulations appear necessary.

Another 45 commenters said that the regulations regarding leveraging should be more flexible. States do have the flexibility in developing leveraging approaches, and DOE encourages them to be innovative with their ideas. However, as stated above, DOE does require careful planning when using program funds for this activity. Nineteen commenters felt that leveraged funds should not be required to be used in accordance with WAP regulations. The funds discussed in this section are DOE appropriated funds of which a limited amount may be used to conduct leveraging activities. The types of leveraging undertaken pursuant to this provision may be different from those leveraging activities under the incentive fund provisions of the Amending Act. 42 U.S.C. 6865(d),(e). These leveraged funds obtained and used under this section are generally not considered "program income" under 10 CFR part 600 and, therefore, may be used to conduct activities that support WAP but are not subject to WAP rules.

DOE invited comments from States and other interested parties on possible changes that could be made to this section to eliminate duplication, reduce unnecessary paperwork, and help ease the reporting requirements consistent with the governing Act. Twenty-nine commenters said certain sections of the application and plan rarely changed, and it is a duplication of effort to provide these items each year as a part of the plan process. DOE is bound by the Act to certain specific content requirements; however, these requirements are in some instances redundant and unnecessary to repeat each year if no change has occurred. Thus, DOE will allow States to submit only those sections of the plan which have changed from the previous year. The sections needing changes must be updated by the States as warranted. This action will help to streamline the application process and reduce the amount of time, effort, and costs that go into the preparation of a State plan.

DOE proposed to amend § 440.14(a) to require that a State prepare a "court" transcript of State plan public hearings. Four commenters suggested that to require a court transcript of the public hearing on the State plan was unnecessary. They contended that the costs associated with providing a court transcript, which requires the services of a court reporter, were not justified. It was their view that a State-supplied transcript, regardless of whether a court reporter was used, is sufficient. DOE agrees and has not finalized the proposed amendment. Section 440.14(a) continues to require a verbatim transcript of the hearing proceedings.

§ 440.15 Subgrantees

DOE also proposed to clarify subgrantee selection and removal procedures in § 440.15 by adding a new paragraph (e) which would make clear that a subgrantee found in non-compliance must be offered a rulemaking-type public hearing as part of the removal or defunding process. Grantees have sometimes been unsure of procedural requirements when they determine to replace a subgrantee for non-compliance or for other reasons. DOE received 80 comments in response to the public hearing requirement.

With regard to terminations during a grant period, sixty-six commenters suggested that DOE drop the requirement to hold a rulemaking-type hearing in favor of an "administrative" hearing or offer the State the choice of either type of hearing. Fourteen commenters supported the requirement for a rulemaking-type hearing. Most of the commenters felt that the administrative hearing process offers the State and subgrantee the proper forum for resolving disputes with legal representation (if desired). They also noted that under most, if not all, State Administrative Procedure Acts (APAs), subgrantees would be able to receive a fair hearing on the issues involved. Additionally, these APAs allow affected parties to appeal to a State court.

With regard to selection of subgrantees for a *new* grant period, §§ 414(b)(4) and 415(b)(1) of the Act require a rulemaking-type proceeding with adequate notice, opportunity for public comment, and a public hearing.

42 U.S.C. 6864(b)(4), 6865(b)(1). If a State proposes to substitute a new subgrantee consistent with the Community Action Agency preference in § 440.15, the subgrantee who previously administered the program has the right to comment on the proposed substitution in that public hearing. States have the discretion to establish procedures for the conduct of such a public hearing including procedures to prevent unduly long or repetitive comments. (DOE has routinely incorporated such procedures in the notices of proposed rulemaking that have been issued for WAP.)

With regard to termination of a subgrantee by a grantee during a grant period, States are obligated to provide due process of law which at a minimum means adequate notice of the reasons for termination and an appropriate opportunity to be heard. Neither the Act nor DOE regulations specifically require that particular hearing procedures be used. DOE agrees that the State must have procedural requirements which should be adequate to provide a subgrantee due process of law. No comments were received to suggest otherwise. DOE therefore has decided not to finalize those provisions of the proposed rule which would have obligated the States to use a rulemaking-type hearing for a termination proceeding. Instead, DOE has substituted the more limited requirement that a State may only terminate a subgrantee during a grant period after adequate notice and an appropriate opportunity to be heard.

§ 440.16 Minimum Program Requirements

Consistent with the Amending Act, DOE proposed to add clarifying language to § 440.16(b) to allow States to include "children" as a priority group among those receiving weatherization services. The Amending Act altered § 411(b) of the Act, 42 U.S.C. 6861(b), by adding the word "children" to the legislative statement of "Purpose and Findings." However, the Amending Act did not alter § 414(b)(2) of the Act, 42 U.S.C. 6864(b)(2), which establishes a priority on providing weatherization services for elderly and handicapped persons and such priority as the applicant determines is appropriate for single-family or other high energy-consuming dwelling units. Sixty-nine commenters supported adding "children" as a priority, and another 39 commenters recommended giving priority to elderly persons and children in relation to the amount of energy usage. States, in establishing priorities among the above mentioned groups, may take into account energy usage. Since the reference to "children" is not contained in § 414(b)(2) of the Act, DOE has determined that States are not required to include children at the same level of priority as the elderly and handicapped, although States may do so if they wish. Therefore, DOE has made no changes to § 440.16(b).

No adverse comments were received regarding § 440.16(d), which makes clear that, in areas where it is difficult to secure the services of volunteers, subgrantees need not expend limited resources on efforts to find such workers. Therefore, the proposed change has been adopted in the final rule.

Paragraph (g) of § 440.16 deals with the circumstances which warrant a report to DOE that a dwelling unit is "complete." DOE proposed to amend that paragraph by including the phrase "all weatherization materials have been installed." A few commenters requested clarification of when a dwelling unit is "complete" and when a final inspection has been performed. DOE believes that, before a home is reported as complete, all of the materials associated with its weatherization must have been installed, and the unit must, in fact, be complete. All materials installed would include any relevant heating or cooling modifications or replacements made to the home, and the final inspection(s) would ensure that all necessary work to the unit has been completed in a satisfactory manner. Since no adverse comments were received, DOE has adopted the proposed language in the final rule.

Consistent with the addition by the Amending Act of health and safety as one of the stated statutory purposes in § 411(b) of the Act, 42 U.S.C. 6863(b), § 440.16(h) was proposed to add a requirement that procedures be developed by the State to ensure that subgrantees address health and safety concerns related to weatherization. DOE received a total of 243 comments on a variety of health and safety issues. DOE has responded to these comments in part by making § 440.16(h) much more specific.

DOE is not requiring at this time that States address any specific health or safety concern. Rather, DOE expects each State to develop procedures which provide for a list of types of hazards and related costs and methods of abatement to be funded under 10 CFR part 440 and which limit such expenditures for non-weatherization materials to a *reasonable* percent of average dwelling unit costs in light of the primary energy conservation purpose of WAP. The list (and updates to it) would be submitted with an annual financial assistance application for DOE approval.

The legislative history of the Amending Act indicates that health and safety concerns related to weatherization of dwellings occupied by low-income clients are of special interest to the Congress. Accordingly, DOE believes that States should carefully examine their programs to ensure these concerns are being addressed. However, States should be aware that the House report on the Amending Act clearly indicates that subgrantees should be seeking other funding sources to pay for non-energy-related health and safety repairs. See 1990 U.S. Code Congressional and Administrative News, 1659.

DOE received 16 comments requesting specific guidance in this rulemaking regarding health and safety issues. After reviewing health and safety procedures of the States, DOE may provide periodic guidance on health and safety issues. Further responses to comments on health and safety issues in this rulemaking appear in the discussion below of amendments to § 440.18(c) and 440.21.

§ 440.18 Allowable Expenditures

DOE proposed to amend § 440.18(b)(1) to incorporate provisions of § 415(c) of the Act as amended which provides that, beginning with fiscal year 1991, the Statewide average of $1,600 per dwelling unit shall be adjusted annually by increasing the previous year limitation amount by the lesser of: (1) The percentage increase in the Consumer Price Index for the previous year or (2) three percent. DOE will notify all grantees of the new expenditure limit in grant guidance that is issued each year. No adverse comments were received; therefore, DOE has retained the language in the final rule.

In addition to this annual increase, the Amending Act provides that DOE shall, upon application by a State, establish a "separate" average per-dwelling-unit limitation for dwelling units in those States which: (1) Conform to program requirements; and (2) in addition to any other weatherization modifications, have "furnace or cooling efficiency modifications" made with program funds. The phrase "furnace efficiency modifications" is not defined by the Act, but the legislative history indicates it is a term of art which refers to "major" furnace or cooling efficiency modifications, i.e., capital intensive (high cost) repairs or replacements. *See* 1990 U.S. Code Congressional and Administrative News, 1658–1659. DOE

has retained § 440.18(b)(2) to incorporate this waiver in the final rule.

States that wish to apply for an increase in the per-dwelling-unit average must propose to do, as a minimum, "capital- intensive furnace or cooling efficiency modifications" as defined in § 440.3. As indicated above in the discussion of that definition, those States which elect to perform *only* low-cost furnace or cooling efficiency modifications, such as tune-ups or other relatively low-cost efficiency improvements, must include them within the current limitations of the Statewide per-dwelling-unit average as stated in § 440.18(b)(1). Some comments complained generally that the list of "furnace efficiency modifications" and "cooling efficiency modifications" under the definition of "weatherization materials" in § 440.3 lacks enough specificity. These comments did not offer significant suggestions for amendments to promote specificity. The regulatory language offers general definitions with some examples which DOE believes is sufficient to be understood and applied. No further changes to the proposed definitions have been made.

Proposed § 440.18(b)(2) deals with the application requirements for a separate Statewide average for dwelling units with "furnace efficiency modifications." Under this section, all State applications to increase the per-dwelling-unit average must be accompanied by supporting documentation on the costs associated with furnace or cooling efficiency modifications in that State. Seventy-seven commenters recommended that DOE remove "capital-intensive" from this section or broaden the definition. The Amending Act is clear that this separate average will apply only to those homes selected for furnace efficiency modifications involving major repairs or replacements which necessarily are capital intensive. States which apply to DOE for a "separate" Statewide average for doing capital-intensive improvements may include in their request the costs of all furnace and cooling modifications (including tune-ups, filters, etc.) on those units when determining the "separate" amount of funds to be requested for those specific units. Eighty-six commenters supported the "separate" average.

Fourteen commenters suggested that DOE allow States to combine all homes into one average, while 42 commenters felt the maximum average per-unit limit should be eliminated. They believe that maintaining a separate average for dwelling units with furnace efficiency modifications is too burdensome. However, as previously noted, the statutory language is clear that States must maintain a "separate" average for these units and, therefore, DOE has retained it. The following example illustrates how the requirement for separate averages should work. State X plans to weatherize 1,000 units, and estimates that 30 percent of the units will receive furnace or cooling measures that qualify for the separate higher average. The State estimates the average cost for the 300 units to be $3,000, and DOE approves the State application as a separate average for those units. The remaining 700 units that do not receive the qualifying furnace or cooling modifications cannot exceed the annually adjusted per dwelling unit average under § 440.18(b)(1). The State would have to maintain data and report to DOE on each of the averages, one average for those dwellings which qualify for the higher average expenditure, and the average discussed in § 440.18(b)(1) for those dwellings which do not.

DOE proposed to add § 440.18(c)(12) to allow the costs of weatherization program financial audits to be charged as a separate program support cost. These costs are currently charged under the administrative cost category. Experience indicates that the percentage limitation on that category is an undesirable incentive to skimp on financial audits. While 18 commenters opposed making this a separate allowable cost category, 72 commenters were in support of this idea. Since this proposed amendment would enable States to press for more rigorous financial auditing to prevent waste, DOE has retained it in the final rule.

The Amending Act provides that States may increase the percentage of subgrantee administrative funds up to an additional 5 percent for those subgrantees receiving grants of less than $350,000 in DOE appropriated dollars. DOE proposed to implement this provision by amending the language in § 440.18(d) to require States to provide in their plans the criteria they will use in carrying out this provision. While DOE encourages States to develop their own guidelines for the increase, the procedures for deciding which of the eligible subgrantees should receive additional funds and what additional percentage they may use must be addressed as a part of the plan and will be reviewed by DOE for reasonableness. The limit for maximum administrative expenditures by a State remains unchanged at 5 percent. DOE received 41 comments favoring the method of implementing this requirement; therefore, it has been retained in the final rule.

DOE proposed to amend § 440.18 by adding paragraph (c)(14) which would permit the expenditure of funds for leveraging activities by States, discussed above in the explanation of proposed amendments to § 440.14(b)(9)(xiv). No adverse comments were received, and DOE has retained it.

As indicated earlier, there is statutory authority for expending WAP funds on elimination of energy-related health and safety hazards. Consistent with that discussion, DOE has added a new paragraph (c)(15) to the list of allowable costs in § 440.18, covering costs attributable to the necessary elimination of such hazards before, or as a result of, installation of weatherization materials. An example of such a hazard would be carbon monoxide exposure from a gas-fired unvented space heater in a dwelling where DOE installs weatherization materials to insulate and otherwise reduce air infiltration. If DOE-approved State procedures allow for elimination of such a hazard with DOE funds, then the cost is allowable. As a technical and conforming change, a cross reference to new paragraph (c)(15) has been added to paragraph (b) of § 440.18 to provide that health and safety costs are subject to the average per dwelling unit cost limitation.

Section § 440.18(e)(2)(iii) proposed to amend the cut-off date from September 30, 1979, to September 30, 1981, under which States may reweatherize a unit. DOE received 220 comments favoring extending the cut-off date to September 30, 1985, the date when expenditures were raised to the current annually adjusted average limit to account for expanded mechanical measures allowed in the program. Along with commenters favoring extension of the cut-off date, 251 commenters suggested that States should be allowed to count all or at least a percentage of these reweatherized units as completions.

Thirty-eight commenters opposed a new audit requirement for reweatherization. Twenty-five commenters supported requiring a new audit. DOE will continue to require that: these units receive a new energy audit that takes into account any previous improvements to the dwelling; and these units are reported to DOE separately from the completion of homes that have not been reweatherized. DOE will allow States to count these reweatherized units as completions for the purposes of compliance with § 440.18(b). Thirty-nine commenters recommended eliminating cut-off dates and allowing reweatherization of units which are 5

years or older, while 17 commenters offered various other cut-off dates. DOE will extend the cut-off date to September 30, 1985, which would allow States to return to those homes where significant weatherization opportunities may have been overlooked because the average dwelling cost limitation was $1,000 or less.

The number of reweatherized units expected to be completed in a State must be identified in the State plan. DOE will give the States flexibility in this area by deferring to them on the question of whether and to what extent there should be a limitation on the number of reweatherized units that can be done. However, DOE reminds States that while reweatherization is an important issue, there remain nearly 18 million homes that have received no assistance.

§ 440.19 Labor

One State requested that DOE clarify § 440.19(a)(2) by removing the phrase "to install weatherization materials." That phrase was removed in 1981 after notice and comment and reinserted in 1984 inadvertently. *Compare* 46 FR 29242, 29245 (June 1, 1981) with 49 FR 3624, 3627, 3634 (January 27, 1984). Today DOE corrects the 1984 error by removing the subject phrase.

§ 440.21 Standards and Techniques for Weatherization

DOE proposed to add clarifying language to § 440.21(b) to make clear that only those weatherization materials that are listed in Appendix A of this regulation can be purchased with DOE funds. Some subgrantees and potential material suppliers continue to believe that the standards in Appendix A apply only to materials listed there. They believe materials not listed in appendix A may be purchased and installed without the need to meet any standard. DOE believes this clarification will ensure that only weatherization materials that are listed in appendix A may be purchased with DOE funds. However, a State may submit an unlisted material to DOE at any time for evaluation and possible addition to appendix A. Please note, however, that materials used to complete incidental repairs or eliminate health and safety hazards generally are not "weatherization materials" and, therefore, are not required to be listed or to meet the standards in appendix A.

Section 415(a) of the Act as amended, 42 U.S.C. 6865(a), authorizes DOE to grant a waiver from the 40 percent Statewide average for weatherization materials expenditures based on voluntary State adoption of energy audit procedures more rigorous than those currently required by the program regulations. Among other things, the Act specifically required measurement of the "rate of return" on the "total conservation investment" but did not define those terms. DOE proposed a number of provisions designed to implement the waiver provisions of the Act as well as provisions designed to strengthen the base program procedure in the existing regulations (Project Retro-Tech and the alternate audit procedure). DOE received over 300 comments arguing that the provisions proposed for the base program audit and for the waiver audit were too restrictive and would have many undesirable effects inconsistent with legislative intent.

Base Program Audit Comments. Twenty-nine commenters said that the April 1, 1993, implementation deadline for base program changes does not provide enough time and that there is not sufficient funding available to implement the proposed changes at the local level. Further, commenters thought that the effort to upgrade the base program energy auditing requirements through the prescriptive approach proposed in the NOPR would severely restrict the State flexibility when Congress did not indicate a specific intent to *impose* changes on those requirements.

Waiver Audit Comments. One hundred eleven commenters were concerned with § 440.21(g) which proposed to require the use of "site-specific data" (rather than data from typical dwellings) as part of a State energy audit prior to DOE granting a waiver. States and local agencies argued that requiring such data would involve complex and time-consuming operations that would not necessarily result in significant additional energy savings. One-hundred twelve commenters suggested that repeated cost-effectiveness tests are not required for measures that have already been proven to be consistently justified. Those commenters said that a computerized audit can be effectively used, however, to develop decision trees and priority lists. Eighty-seven commenters said that one uniform audit is not practical, and 7 commenters indicated that data required by the audit procedure was not always available. The requirement to blower-door test all units as a prerequisite to a waiver was also questioned by 76 commenters on the grounds that these tests are not appropriate for certain heating systems, climatic conditions, types of units (such as multi-family), and other circumstances.

The proposal to include *all* significant costs (not just material and labor costs) in calculating the "total conservation investment" when testing for cost-effectiveness received a wide variety of critical comments. Forty-four commenters said that client education would be eliminated from their programs if the costs of such education were deemed part of the "total conservation investment." It should be noted that it was never the DOE intent to require the inclusion of such education costs, which are now excluded from the costs required under the average cost per home limit. Three-hundred sixty-four commenters suggested that health and safety costs to eliminate hazards should be exempt from any cost-effectiveness test because they are generally associated with the heating or cooling unit in the home and could be life-threatening. Such costs in many cases would not meet a savings-to-investment ratio (SIR) requirement. Commenters also said that the inclusion of all incidental repair (103 commenters) and transportation costs (53 commenters), if bound by a SIR, would preclude the installation of certain measures in certain units even though these measures are proved cost-effective when installed as part of a comprehensive weatherization package. In addition, subgrantees that must travel great distances could be forced to restrict weatherization of some units solely on the basis of travel costs needed to reach those units. It should be noted that it was never the DOE intent to require calculation of transportation costs for individual units, but rather for an estimate of average program transportation costs to be considered in determining measure cost-effectiveness. One-hundred fifty commenters suggested that other methods to calculate payback or efficiency gains should be considered. Twenty-six commenters were opposed to discounting future energy cost savings. Those commenters said that, if energy savings are to be discounted, then fuel cost escalation should also be taken into account.

Based on the comments received, DOE has modified § 440.21 in the final rule to reflect the need for more flexibility as indicated by the preponderance of those comments. DOE believes this flexibility will allow State and local program operators to maximize energy saving efforts while dealing responsibly with the many related health and safety issues that arise during the weatherization work.

DOE continues to assume States are accountable for achieving the energy savings and efficiency improvements

anticipated by the legislation. DOE believes that States can be encouraged to improve the level of program performance through improved audit and related techniques designed to get the best benefit for the Federal dollars spent. While DOE believes that States should be held accountable for maximizing energy savings for low-income clients, DOE accepts that incremental steps are necessary to attain this objective and agrees with the Congress that the 60/40 waiver incentive will move the program toward greater achievement.

Final Base Program Audit Procedures. DOE believes that a primary objective of the Weatherization Assistance Program is to provide cost-effective energy savings and related benefits to low-income households. Through the use of improved energy audit methods and effective program management, DOE believes that this program objective can be achieved. However, DOE remains concerned that existing weatherization activities may be significantly less cost-effective than they could be and, in some areas, program costs may exceed the resulting benefits to low-income households.

There are numerous factors that may be reducing the cost-effectiveness of existing weatherization activities, several of which have their basis in long standing DOE regulations or program procedures. For example, under DOE regulations, States and local agencies may exclude from their cost-effectiveness calculations for individual measures a substantial percentage of the costs of weatherizing individual homes. Additionally, DOE regulations do not require States to set any limits on the amount of general heat waste reduction measures or energy-related repairs that may be installed on individual homes, although many States have established such limits.

While DOE proposed a number of changes to the base program audit procedures, it has chosen not to include any of these changes in the final rule in order to give States an opportunity to adopt voluntarily the procedures necessary to obtain a waiver from the 40 percent materials cost requirement or to take other steps to enhance achievement of the program's objectives. It is also anticipated that the results of the major DOE-funded Weatherization Assistance Program evaluation, which is nearing completion, will provide better information upon which to base further Federal, State, or local actions to improve the effectiveness of the program. Based on the results of this evaluation and the actions of States and local agencies, DOE intends to reconsider whether further changes to the regulations governing existing weatherization programs are needed.

Although the Department has decided not to make large-scale changes to the base audit procedures at this time, DOE wishes to make clear its concern about the inadequacies inherent in the Project Retro-Tech audit. DOE remains interested in phasing out the use of this audit which places undue weight on the installation of general heat waste measures and has other limitations. But DOE recognizes the difficulties of making major changes in the program's energy audit procedures and, therefore, believes it is logical to postpone regulatory action on the base audit until States have had an opportunity to assimilate the 60/40 waiver energy audits and to respond to the DOE intention that the program improve its energy savings.

DOE believes that those States and local agencies that choose not to seek a waiver from the 40 percent material cost minimum should modify their existing programs to incorporate as many as possible of the procedures required for such waivers. Specifically, DOE encourages States, particularly those continuing to use Project Retro-Tech, to consider the following steps to improve the cost-effectiveness of their programs.

First, avoid installing any measures that are not cost-effective, even though DOE regulations do not preclude the installation of such measures.

Second, clearly define and limit the installation of general heat waste reduction measures. While measures such as weatherstripping and caulking are usually cost-effective and for this reason are automatically classified as the number one priority by Project Retro-Tech and related audits, DOE is aware that some local programs have placed excessive emphasis on such measures (without using adequate diagnostic techniques) and, in some instances, have included in this category inappropriate measures.

Third, set limits on the costs incurred performing measure-related incidental repairs to ensure that they do not exceed the net cost savings expected to result from weatherization measures being installed.

With respect to the estimates of measure costs used in determining cost-effectiveness, States should review the estimates of measure costs to ensure that they accurately represent the current costs of installing measures. In this regard, a few comments suggested the need to clarify a longstanding interpretation of the existing rule. In calculating labor costs for purposes of evaluating a weatherization material for cost-effectiveness under section 440.21, all on-site supervisory costs must be included in the cost-effectiveness calculations. In addition, States and local agencies may exceed the minimum requirements for costs that have to be considered by including other home weatherization costs (e.g., tools and transportation). Although today's rule does not require the inclusion of these additional costs, DOE encourages the States to do so wherever feasible.

Finally, consistent with the statutory priority on assisting the elderly and handicapped, States should consider the adoption of procedures to identify and give priority consideration to those homes that may offer the greatest potential for energy and energy cost savings from the installation of weatherization measures. State and local agencies are reminded that the selection of homes to be weatherized affects the overall cost-effectiveness of the program. The energy auditor should examine the condition of each home to insure that the home in which the eligible person lives will receive the maximum benefit of the weatherization services provided. Homes that need rehabilitation (extensive repairs) are not the most cost-effective sites for weatherization until after rehabilitation work has been completed. Such homes should be referred to other Federal or State programs which provide for rehabilitation. Furthermore, States should work toward implementing advanced energy audits which not only ensure the selection of the most cost-effective measures to install in a home, but also ensure that the priority of those eligible homes to be weatherized will result in the maximum program effectiveness.

Even with such improvements, Project Retro-Tech audits would still have many shortcomings. Therefore, DOE strongly encourages all States to move rapidly to the 60/40 waiver energy audits. Those few States that do not adopt a 60/40 waiver energy audit would then be the only ones affected by changes DOE may make later to the base energy audit procedures. The following explanation is given of the DOE approach to the 60/40 waiver audit requirements.

Final Waiver Audit Procedures. The final standards for the waiver audit procedures are far more flexible than those DOE proposed. They omit most parts of the proposal which drew heavy criticism in the public comments. DOE has substituted revised regulatory provisions which, as described below, should prove acceptable to most States or are required by law. Section 440.21(h)(1) will require that a State

audit must treat the house as a system by examining the heating and cooling system for efficiency, the air exchange system, the occupants' living habits and needs, and make appropriate changes to the priority of the measures installed on the dwelling unit. Section 411(b) of the Act, as amended, 42 U.S.C. 6861(b), states that the purpose of the weatherization program is to increase the energy efficiency of dwellings occupied by low-income persons, reduce their energy expenditures, and improve their health and safety. Therefore, the audit must include provisions that allow an examination of the rate of energy use (i.e., energy efficiency concerns) as well as energy savings concerns. In the case of an electric space heater, the existing one may only heat one room. A new, more efficient and safe space heater may allow heating of more rooms efficiently but not save energy. In areas where cooling needs are considered significant, the audit must address both heating and cooling needs. In formulating energy audit procedures, States should take into account that cooling, as distinguished from heating, is sometimes purely for comfort rather than a necessity of life.

DOE has abandoned the proposed requirement, drawn from legislative history, to use blower doors to determine the extent to which weatherization materials to reduce general heat waste are appropriate. The comments pointed out that the use of such tests is inappropriate in some types of buildings. DOE has substituted a generic provision in § 440.21(h) for use of advanced diagnostic and assessment techniques consistent with sound engineering practices. DOE intends to provide information regarding such techniques to the States who can decide whether to include them or others which they can support in a waiver audit application.

DOE proposed a discounted savings to investment ratio to determine cost effectiveness and assign priorities among weatherization materials under a waiver audit. In response to criticism in public comments, DOE has revised the requirements for calculating such ratios and the manner in which they are to be used. Paragraphs 440.21(h)(5) through (h)(7) are the relevant provisions in the final rule. Except for certain general heat waste reduction weatherization materials (discussed below), paragraph (h)(5) requires calculation of a discounted savings to investment ratio with investment costs limited to basically the same costs considered under the base program audit and any other significant costs required by the State. Health and safety costs are excluded because the materials used to abate hazards are not weatherization materials.

As under the base program, States should ensure that estimates of measure costs accurately represent the current costs of installing measures, including all costs of materials, labor, and on-site supervision. In addition, States and local agencies may exceed the minimum requirements for costs that have to be considered by including other home weatherization costs (e.g., tools and transportation). Although today's rule does not require the inclusion of these additional costs, DOE encourages the States to do so wherever feasible. The advantage of doing so is to avoid marginally cost-effective investments and to focus scarce program resources where the need is greatest.

Each weatherization material would have to be cost-effective, i.e., the ratio would have to be greater than or equal to one. Although some commenters argued against such a requirement, DOE does not think that Congress intended to authorize waiver of the 40 percent materials provision of the Act to facilitate use of program funds for cost *ineffective* weatherization materials.

Paragraph (h)(6) of § 440.21 requires establishment of priorities among weatherization materials in descending order of their cost effectiveness ratios. That paragraph requires adjustment in light of interaction between architectural and mechanical weatherization materials and elimination of those materials which, as a result of the adjustment, have an adjusted ratio below one.

Consistent with the statutory requirement to measure the "rate of return" on the "total conservation investment," paragraph (h)(7) of § 440.21 provides, with the possible exception of general heat waste reduction weatherization materials, for calculation of an overall discounted savings to investment ratio comparing the cumulative net fuel cost savings of all weatherization materials to be installed to the cumulative investment costs considered under paragraph (h)(5) and (h)(6) and incidental repair costs. Incidental repairs, by definition in § 440.3, involve repairs necessary for the effective performance or preservation of weatherization materials. They, therefore, are properly categorized as a part of the "total conservation investment" as that term is used in the Act.

DOE has not accepted comments arguing against the desirability of discounting future energy cost savings to present value. Discounting adds needed accuracy in estimating the net fuel cost savings of high-cost weatherization materials with long useful lives which were practically precluded by average unit cost limitations in the early years of WAP. Moreover, as explained in the notice of proposed rulemaking, discounting is necessary to make the SIR equivalent enough to an actual rate of return. DOE also rejects the idea of adjusting the discount rate for externalities because such an adjustment would be an arbitrary distortion which could result in significant misallocation of scarce resources. However, in response to comments, DOE has provided for a real discount rate adjusted by DOE region for energy cost escalation predicted by the DOE Energy Information Administration. Each year DOE will provide to the States tables with factors reflecting both the discount rate and the regional energy cost escalation rates.

States may leave the discount rate adjusted for energy cost escalation unchanged for up to 5 years, although DOE will issue a new discount rate each year. Consequently, States will not have to change the audit calculations, priority lists, and other related program procedures on a yearly basis. DOE believes it would be unnecessarily disruptive to implement such a requirement, although it does not preclude a State from doing so.

With regard to the requirement, drawn from the Act, to "account for interaction among energy efficiency measures," DOE believes that the only significant interaction of measures is that which occurs when mechanical measures (other than furnace tune-ups) are used in conjunction with building envelope measures. Where this occurs, an iterative calculation procedure must be used to reassess potential energy savings whenever the two types of weatherization materials are installed in the same dwelling. The audit must use the savings due to the first weatherization materials chosen to adjust the priority of all other potential measures. The audit must repeat this process each time the material selection changes from mechanical to architectural or the reverse. Audits that are computerized can be easily revised to make these calculations. Non-computerized audits can be revised to account for such interactions also, but the number of hand calculations that may have to be made may be cumbersome unless the audit limits the number and type of measures to be considered.

In response to criticism of the proposed requirement for site-specific audits for all dwelling units, DOE has

added § 440.21(j) to describe the procedures for States using priority lists under the 60/40 waiver. The priority lists must be generated using an audit which meets the requirements in § 440.21(h) for a representative sample of typical dwellings for each major housing type covered by the State's weatherization program. Each dwelling unit must be examined to determine whether the unit requires an on-site energy audit because of any non-typical situations which could lead to higher- or lower-than-expected energy use. All priority lists developed by the States to receive a 60/40 waiver must be revalidated at least once every 5 years, using the discount rate issued by DOE at that time. The State must conduct an on-site energy audit which meets the requirements of § 440.21(h) on each dwelling where measures that are not on the priority list are found to be needed. For example, the State may have a priority list which predetermines the order of installing measures, but the energy auditor may encounter situations during the initial on-site inspection which would require an adjustment to that priority list which would further insure the cost-effectiveness of the program.

DOE has also added § 440.21(k) providing for development of a list of general heat waste materials that can be installed on any dwelling unit and identification of circumstances under which materials may be presumed cost-effective without further need for audit justification when the list of measures is approved by DOE as reasonable. This provision is mandatory only for States operating under the 60/40 waiver audit because Project Retro-Tech already includes general heat waste as its number one priority. In some States, certain measures have been installed under the general heat waste category that were not cost-effective.

DOE will review audit procedures submitted for approval on an individual basis so that it can maintain consistency in the review and approval process and so that it can offer assistance as needed to help grantees meet waiver requirements. DOE intends to distribute periodically a list of all audits which have been approved. DOE encourages States that want DOE to consider a waiver to review their audits for potential compliance with the applicable provisions of § 440.21 and, as soon as possible, to submit those that appear to qualify or are close to meeting the criteria so the review process can begin. DOE anticipates that it will use "special conditions" as a part of the waiver approval process, as it does currently with alternative audit requests, so that grantees may begin implementing their audit procedures as quickly as possible. If minor changes are needed to make the audit fully acceptable, they can be made later by the State in accordance with appropriate special conditions.

The Amending Act also requires DOE to provide information and training to States and local agencies applying for a waiver. DOE is prepared to provide training as necessary to implement new audit requirements. A State should be aware that it may use more than one audit and that it may have some subgrantees operating their programs without the waiver even though the State has been granted the waiver for overall State expenditures. In a case where a subgrantee does not use the audit on which the waiver was based, that subgrantee continues to be subject to the 40 percent materials requirement, and the State must collect data that will allow DOE to monitor that subgrantee's compliance.

States that do not choose to seek a waiver from the 40 percent minimum will be able to continue to use simplified procedures, based on Project Retro-Tech or other similar energy audit techniques subject to approval by DOE, for determining the cost-effectiveness of measures applicable to typical homes within the State.

§ 440.22 Eligible Dwelling Units

DOE proposed to amend § 440.22(a)(2) to include the phrase "at any time" when referring to the period of time during the 12-month period preceding the determination of eligibility. This proposed clarification permits States to qualify potential applicants who received cash assistance payments during the 12-month period preceding the determination of eligibility but may not have received these cash assistance payments for the full 12-month period. Twenty-eight comments were supportive of this change, and DOE has retained it.

DOE proposed to add § 440.22(b)(3) which would require States to establish procedures to address the weatherization of rental units. As required by the Amending Act, these procedures must ensure that: (1) The benefits of weatherization will accrue primarily to the tenants even if the tenants pay for their energy use through their rent; (2) for a reasonable period of time, occupants of these dwellings will not be subject to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed; and (3) tenants may file complaints, and owners, in response to such complaints, may demonstrate that rent increases are justified. In addition, in order to secure the Federal investment and address eviction and sale of property receiving assistance under this program, pursuant to § 413 of the Act as amended (42 U.S.C. 6863(b)(2)(C)), States may seek landlord agreements to place liens or other contractual restrictions. In establishing these procedures, the State should adopt a comprehensive approach to weatherizing rentals. A key component of this approach is to develop procedures that strengthen the landlord-tenant agreements that the subgrantees will use. These agreements should contain language which is explicit in detailing the above provisions.

Nine commenters were opposed to the placement of liens or other contractual restrictions on landlord properties. These restrictions would be used to secure the Federal investment in the weatherized property. DOE points out that the proposed rule merely suggested these types of restrictions. A State may decide to use other methods which may be as effective as liens. DOE may provide further guidance in this area after reviewing the initial rental plans submitted by the States. Also, DOE notes that some areas of the country have excellent written landlord/tenant agreements which outline alternative dispute resolution procedures and may address all of the provisions in this section. DOE will make available to all States examples of these agreements for possible replication where needed.

Section 413(b)(6) of the Act as amended, (42 U.S.C. 6863 (b)(6), allows States to require financial participation from owners of multifamily buildings as a condition of having weatherization assistance provided with DOE funds. In implementing the provisions of § 440.22(d), States should remain aware that, while they may want to assign service priorities among multifamily buildings based on financial participation, they should be careful not to bar low-income tenants living in buildings from receiving assistance where the owner is not able to afford to make financial contributions for energy conservation improvements. Fifteen commenters suggested requiring landlord participation only if the landlord pays the heating bills. This idea has some merit, but the Amending Act does not make such a distinction and therefore, neither does DOE. States may, however, elect to implement their programs in this manner.

Seventeen commenters encouraged DOE to require the same financial participation of single-family rentals including mobile homes. The statute did not address single-family units, and

DOE feels that placing a requirement on this group of dwelling units may have an adverse effect on their participation in the program, as most of these units are owned by single-unit landlords with little means, in many cases, to provide additional financial assistance. DOE continues to support State and local agencies' efforts to encourage landlord participation in the weatherization of single-family units or mobile home units but will not require it. Forty-six commenters were supportive of the provision on landlord participation. DOE has retained this provision in the final rule.

DOE also proposed to include clarifying language in § 440.22(d) which provides that such financial contributions as may be made by the landlord are not "program income" as that term is used in the DOE Financial Assistance Regulations. 10 CFR 600.113. Such a contribution is not "program income" because it is not income derived from activities supported by a grant or subgrant. DOE expects that such financial contributions made by the landlord will be expended only in accordance with the agreement between the landlord and the weatherization agency. This is important because in most instances, landlords make contributions that are intended for use on their property for specific types of energy conservation improvements or other supporting activities. Comments were generally supportive of this proposed clarification, therefore, DOE has retained it.

There were 104 commenters who opposed proposed paragraph (e) of § 440.22. In that paragraph, DOE provided statutorily required "guidance" suggesting that States "should consider" using alternative dispute resolution procedures such as arbitration to settle tenant complaints against rent increases and evictions allegedly related to landlord efforts to appropriate for themselves the benefits of weatherization. The commenters stated that subgrantees are not qualified and/or lack the resources to undertake such an activity nor should they become collection agencies in enforcing compliance. Further, 16 commenters suggested that DOE provide further guidance on alternative dispute resolutions. The examples offered in the proposed rule by DOE did not place requirements on the States if there are alternative methods to meeting the provisions. States are free to establish other procedural protection for tenants. As stated earlier, DOE believes that the primary responsibility and expertise in all areas of rental issues rest with State and local agencies. Some States, as pointed out by 33 commenters, have already set up, through legal services or other social programs, procedures to draft landlord/tenant agreements to handle disputes. Thirty-three commenters also stated that landlords and tenants need training on how to reach such agreements. At the present time, DOE does not plan to set up training sessions but may decide to do so later.

DOE also proposed to add § 440.22(f) permitting States to weatherize shelters. The definition of a "dwelling unit" and "separate living quarters" in the current regulations does not include the term "shelter." DOE policy has always interpreted these definitions to include a reference to the term "shelter." However, because it is not in the program regulations, States and local agencies have been unclear whether shelters can or cannot be weatherized. By modifying the definition of "separate living quarters" and including a separate definition for "shelter," DOE wishes to make it clear that a State may weatherize a shelter which meets the definition stated in § 440.3.

For the purpose of determining how many dwelling units exist in a shelter, DOE proposed to set a minimum size for each dwelling unit within the shelter of 800 square feet of space that may be counted as a dwelling unit, or each floor of the shelter may be counted as a dwelling unit. That proposal was based on recent evaluation studies. Twenty comments suggested that DOE lower to 500 square feet the size of the space used to determine a dwelling unit. Another three commenters suggested that the size should be 600 square feet. However, these comments only offered conclusory opinions and lacked any supporting data. Therefore, DOE did not find them persuasive and has retained 800 square feet as the minimum for determining dwelling unit size, or a State may count each floor as a dwelling unit. DOE further believes that using 800 square feet for each unit is a generous interpretation and that dividing 800 square feet into the overall square footage of the building and then multiplying that number by $1,600 per unit provides ample funds to perform weatherization of these structures, regardless of their size. Therefore, DOE has retained the proposed changes in the final rule.

§ 440.24 Recordkeeping

The Amending Act requires DOE as a part of its annual report on weatherization to include more information and data than previously required. Therefore, DOE has amended § 440.24 to require States to collect data on the average costs incurred in weatherization of individual dwelling units, the average size of the dwellings being weatherized, and the average income of households receiving assistance. Many commenters suggested that this requirement would increase the workload and reporting of the local agencies. DOE acknowledges that compiling and maintaining the additional data is a burden. However, that burden is legislatively mandated and DOE has no discretion to dispense with it. DOE would point out to States that this information may remain at the subgrantee level where it is collected. DOE will not impose additional quarterly reporting requirements on States; rather DOE will use supplemental surveys as needed to obtain data from the States subgrantees to respond to the Congress. Therefore, DOE has retained the proposed changes in the final rule.

§ 440.26 Incentive Fund

DOE has reserved § 440.26 to describe the Incentive Fund, authorized by § 415(d) of the Act as amended (42 U.S.C. 6865(d)), and the manner in which it will operate. DOE received 179 comments on the Incentive Fund as a part of the written comments on the proposed rule. Those comments specific to the Incentive Fund will be addressed in the Incentive Fund rulemaking.

§ 440.26, 440.27, 440.28, 440.29 Performance Fund

Section 415(d) of the Act was repealed by the Amending Act, thereby eliminating the Performance Fund requirement for the weatherization program. Therefore, § 440.26, 440.27, 440.28, and 440.29, as they refer to the Performance Fund, are eliminated from 10 CFR part 440.

§ 440.30 Administrative Review

DOE proposed to add the words "or § 440.13" after the words "§ 440.12" in paragraphs (a) and (d) of this section. This change will clarify the procedures for any appeals of decisions made under § 440.13. No adverse comments were received pertaining to the proposed change; therefore, DOE has retained the language in the final regulation.

Appendix A—Standards for Weatherization Materials

Based on criteria provided by the National Institute of Standards and Technology and other sources, DOE proposed to amend appendix A to include an update of the standards for weatherization materials approved for use by DOE at the time of publication of the proposed rule and new standards

for the additional cooling measures proposed as a result of the amendments to the Act. The current standards were amended by DOE and made available to the States in September 1988. Since that time, standards have changed for many materials. States should be aware that the standards published in today's rule may be superseded in the future by the many entities which develop and set standards. DOE will make every effort to keep States informed as these changes take place.

DOE received 16 comments that suggested appendix A did not include all measures already approved for use in the program. The commenters noted that appendix A does not include door locks, hinges, screws, gaskets, and many other common miscellaneous hardware items. These types of items are not measures. They are necessary for the installation of weatherization materials on the home and represent an almost endless list. Therefore, they may be purchased as commercially available. In cases where the weatherization material standard requires certain type(s) of hardware items for installation, States and local agencies are expected to follow the criteria for those items which are a part of the standard for the material.

States are reminded that certain measures approved by DOE for pilot projects in specific areas of the country are approved only for evaluation purposes for their possible inclusion for general use in the program. Until the evaluation of the performance of those products is completed and recommendations made for their inclusion, those products are not permitted for general use. DOE received 171 comments which recommended including fluorescent lamps and other lighting measures, 34 for space heaters, 57 for water heaters, and 34 for energy-efficient appliances. These four measures are not allowed under the program but are under review by DOE.

Pursuant to § 440.21(a), States may submit requests at any time for DOE to consider adding new materials or technologies to the program. Five commenters stated that the approval process for smaller measures, as opposed to major ones, needs to be more flexible and that some of the red tape needs to be eliminated. Other commenters said there should be a time limitation on how long DOE takes to approve or disapprove proposed measures. Based on these comments, DOE will review its process for evaluating new measures and technologies and consider streamlining the criteria and timeliness of responses. It should be noted that where DOE believes a new measure or technology may pose a health or safety risk, the Department will take the extra time and effort to ensure a particular product performs adequately and safely.

Other Comments

DOE received 83 comments arguing for changes in the allocation formula. However, DOE stated in the preamble to the proposed rule that it had decided not to propose any changes to the allocation formula in § 440.10 because Congress considered the arguments for and against such changes and ultimately did not make any of those changes part of the Amending Act. The 83 commenters are, therefore, out of scope.

As usual, DOE has not specifically responded to irrelevant and out of scope comments.

III. Review Under Executive Order 12291

Today's regulatory amendments were reviewed under Executive Order 12291. DOE has concluded that the rule is not a "major rule" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the U.S.-based enterprises to compete in domestic export markets. In accordance with the requirements of the Executive Order, this rule has been reviewed by the Office of Management and Budget.

IV. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency subject to Executive Order 12291 to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in Sections 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulation to minimize litigation, providing clear and certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation: Specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that today's regulation meets the requirements of §§ 2(a) and (b) of Executive Order 12778.

V. Review Under Executive Order 12612

Executive Order 12612 requires that regulations be reviewed for any substantial direct effects on States, on the relationship between the national Government and the States, or on the distribution of power among various levels of Government. If there are sufficient substantial direct effects, the Executive Order requires preparation of a federalism assessment to be used in decisions by senior policymakers in promulgating or implementing the regulation.

Today's regulatory amendments will not have a substantial direct effect on the traditional rights and prerogatives of States in relationship to the Federal Government. Preparation of a federalism assessment is therefore unnecessary.

VI. Review Under the Regulatory Flexibility Act

The proposed regulations were reviewed under the Regulatory Flexibility Act, Public Law 96–354, which requires preparation of a regulatory flexibility analysis for any proposed regulation that will have a significant economic impact on a substantial number of small entities, i.e., small businesses and small government jurisdictions. DOE concluded that the proposed rule will affect most of the States and local agencies operating weatherization programs. The impact of the amendments in this rule will be to provide even greater flexibility to State and local agencies to develop and operate their respective programs. Therefore, DOE certified that there will not be a significant economic impact on a substantial number of small entities and that preparation of a regulatory flexibility analysis is not warranted. None of the comments received by DOE argued against that certification.

VII. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed on the public by today's rules. Accordingly, no OMB clearance is required under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, or implementing regulations at 5 CFR part 1320.

VIII. Review Under National Environmental Policy Act

In accordance with the National Environmental Policy Act (42 U.S.C. 4312 *et seq.*), Council of Environmental

Quality guidelines (40 CFR Parts 1500–1508), and DOE environmental guidelines (10 CFR Part 1021), DOE reviewed the environmental impacts of the program amendments issued today. DOE has concluded that promulgation of these amendments would not represent a major Federal action having significant impact on the human environment not previously addressed in the Environmental Assessment (EA) (DOE/EA–0085) that DOE conducted in 1979. See also 44 FR 21323 (April 10, 1979). Therefore, no additional EA is needed nor is an environmental impact statement required.

IX. Other Federal Agencies

DOE provided draft copies of the rule to the Department of Health and Human Services Low-Income Home Energy Assistance Program and the Department of Agriculture Farmers Home Administration. No comments have been received. DOE also provided a draft copy to the Administrator of the Environmental Protection Agency, pursuant to § 7 of the Federal Energy Administration Act, as amended, 15 U.S.C. 766. The Administrator has made no comment.

X. The Catalog of Federal Domestic Assistance

The *Catalog of Federal Domestic Assistance* number for the Weatherization Assistance Program for Low-Income Persons is 81.042.

List of Subjects in 10 CFR Part 440

Administrative practice and procedure, aged, energy conservation, grant programs-energy, grant programs-housing and community development, handicapped, housing standards, incorporation by reference Indians, reporting and recordkeeping requirements, and weatherization. incorporation by reference.

In consideration of the foregoing, DOE hereby amends chapter II of title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, DC on February 5, 1993.

Robert L. San Martin,

Acting Assistant Secretary, Conservation and Renewable Energy.

10 CFR part 440 is amended as follows:

PART 440—WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

1. The authority citation for part 440 is revised to read as follows:

Authority: 42 U.S.C. 6861 *et seq.*, as amended; 42 U.S.C. 7101 *et seq.*

2. Section 440.1 is revised to read as follows:

§ 440.1 Purpose and scope.

This part contains the regulations adopted by the Department of Energy to carry out a program of weatherization assistance for low-income persons established by the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6861 *et seq.*, enacted as Title IV, Part A, of the Energy Conservation and Production Act, Pub.L. 94–385, 90 Stat. 1150 *et seq.*, and amended by Title II, Part 2, of the National Energy Conservation Policy Act, Pub.L. 95–619, 92 Stat. 3206 *et seq.*, by the Energy Security Act, Pub. L. 96–294, 94 Stat. 611 *et seq.*, and the State Energy Efficiency Programs Improvement Act, Pub. L. 101–440, 104 Stat. 1006 *et seq.* It is the purpose of this part to implement a weatherization assistance program to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential energy expenditures, and improve their health and safety, especially low-income persons who are particularly vulnerable such as the elderly, the handicapped, and children.

3. In § 440.3, the definition for "Operations Office Manager" is removed; the definitions for "Separate Living Quarters" and "Weatherization Materials" are revised; and the following definitions are added in alphabetical order:

§ 440.3 Definitions.

* * * * *

Capital-Intensive furnace or cooling efficiency modifications means those major heating and cooling modifications which require a substantial amount of funds, including replacement and major repairs, but excluding such items as tune-ups, minor repairs, and filters.

Children means dependents not exceeding 19 years or a lesser age set forth in the State plan.

* * * * *

Separate Living Quarters means living quarters in which the occupants do not live and eat with any other persons in the structure and which have either direct access from the outside of the building or through a common hall or complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements, and includes shelters for homeless persons.

Shelter means a dwelling unit or units whose principal purpose is to house on a temporary basis individuals who may or may not be related to one another and who are not living in nursing homes, prisons, or similar institutional care facilities.

* * * * *

Support Office Director means the Director of the DOE Field Support Office with the responsibility for grant administration or any official to whom that function may be redelegated by the Assistant Secretary.

* * * * *

Weatherization Materials mean:

(1) Caulking and weatherstripping of doors and windows;

(2) Furnace efficiency modifications including, but not limited to—

(i) Replacement burners, furnaces, or boilers or any combination thereof;

(ii) Devices for minimizing energy loss through heating system, chimney, or venting devices; and

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

(3) Cooling efficiency modifications including, but not limited to—

(i) Replacement air conditioners;

(ii) Ventilation equipment;

(iii) Screening and window films; and

(iv) Shading devices.

* * * * *

5. In § 440.13, paragraphs (a)(2) and (c) are revised and paragraphs (d) (e), and (f) are added as follows:

§ 440.13 Local applications.

(a) * * *

(2) The Support Office Director finally disapproves the application of a State, and, under § 440.30, either no appeal is filed or the Support Office Director's decision is affirmed.

* * * * *

(c) In the event one or more local applicants submits an application for financial assistance to carry out projects in the same geographical area, the Support Office Director shall hold a public hearing with the same procedures that apply under section § 440.14(a).

(d) Based on the information provided by a local applicant and developed in any hearing held under paragraph (c) of this section, the Support Office Director shall determine in writing whether to award a grant to carry out one or more weatherization projects.

(e) If there is an adverse decision in whole or in part under paragraph (d) of this section, that decision is subject to administrative review under § 440.30 of this part.

(f) If, after a State application has been finally disapproved by DOE and the Support Office Director approves local

applications under this section, the Support Office Director may reject a new State application in whole or in part as disruptive and untimely without prejudice to submission of an application for the next program year.

6. Section 440.14 is amended by revising paragraph (b) to read as follows:

§ 440.14 State plans.

* * * * *

(b) Subsequent to the hearing, the State shall prepare a final State plan which shall identify and describe:

(1) The production schedule for the State, which shall indicate projected expenditures and the number of dwelling units which are expected to be weatherized each quarter during the program year;

(2) An estimate of the number of dwelling units expected to be weatherized during the program year by category to include:

(i) Single-family and multi-family residences;

(ii) Elderly persons' residences;

(iii) Handicapped persons' residences;

(iv) Renters' residences;

(v) If Native Americans do not receive direct grants under § 440.11, Native American residences; and

(vi) Children's residences, if the State selects this category as a priority with paragraphs (b)(2)(ii) and (b)(2)(iii) of this section.

(3) The climatic conditions within the State;

(4) The type of weatherization work to be done;

(5) An estimate of the amount of energy to be conserved;

(6) An estimate of the number of eligible dwelling units in which the elderly reside;

(7) An estimate of the number of eligible dwelling units in which the handicapped reside;

(8) Each area to be served by a weatherization project within the State, and shall include for each area:

(i) The tentative allocation;

(ii) The number of dwelling units expected to be weatherized during the program year, and the number of previously weatherized units expected to be weatherized;

(iii) The estimated number of rental dwelling units to be weatherized; and

(iv) Sources of labor.

(9) The manner in which the State plan is to be implemented, and shall include:

(i) An analysis of the existence and effectiveness of any weatherization project being carried out by a subgrantee;

(ii) An explanation of the method used to select each area to be served by a weatherization project;

(iii) The extent to which priority will be given to the weatherization of single-family or other high energy consuming dwelling units;

(iv) The amount of non-Federal resources to be applied to the program;

(v) The amount of Federal resources, other than DOE weatherization grant funds, to be applied to the program;

(vi) The amount of weatherization grant funds tentatively allocated to the State under this part;

(vii) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, Federal and non-Federal, expected to be applied to the program;

(viii) The average amount of the DOE funds specified in § 440.18(c) (1) through (11) to be applied to any dwelling unit;

(ix) The average amount of DOE funds to be applied to any dwelling unit for weatherization materials as specified in § 440.18(c)(1);

(x) The procedures used by the State for providing additional administrative funds to qualified subgrantees as specified in § 440.18(d).

(xi) Procedures for determining the most cost-effective measures in a dwelling unit or a statement that Project Retro-Tech or another DOE-approved audit will be used;

(xii) The definition of "low income" which the State has chosen for use statewide for determining eligibility under § 440.22(a).

(xiii) The definition of "children" which the State has chosen consistent with § 440.3.

(xiv) The amount of Federal funds to be used, and an explanation of how they will be used, to increase the amount of weatherization assistance that the State obtains from non-Federal sources, including private sources, and the expected leveraging effect to be accomplished.

7. Section 440.15 is amended by adding paragraph (e) to read as follows:

§ 440.15 Subgrantees.

* * * * *

(e) A State may terminate financial assistance under a subgrant agreement for a grant period only in accordance with established State procedures that provide to the subgrantee appropriate notice of the State's reasons for termination and afford the subgrantee an adequate opportunity to be heard.

8. Section 440.16 is amended by revising paragraphs (b), (d), (f) and (g) sand by adding paragraphs (h) and (i) to read as follows:

§ 440.16 Minimum program requirements.

* * * * *

(b) Priority is given to identifying and providing weatherization assistance to elderly and handicapped low-income persons and such priority as the applicant determines is appropriate is given to dwelling units containing children and to single-family or other high-energy-consuming dwelling units;

* * * * *

(d) To the maximum extent practicable, the grantee will secure the services of volunteers when such personnel are generally available, training participants and public service employment workers, pursuant to JTPA, to work under the supervision of qualified supervisors and foremen;

* * * * *

(f) The low-income members of an Indian tribe shall receive benefits equivalent to the assistance provided to other low-income persons within a State unless the grantee has made the recommendation provided in § 440.12(b)(5);

(g) No dwelling unit may be reported to DOE as completed until all weatherization materials have been installed and the subgrantee, or its authorized representative, has performed a final inspection(s) including any mechanical work performed and certified that the work has been completed in a workmanlike manner and in accordance with the priority determined by the audit procedures required by § 440.21; and

(h) Subgrantees limit expenditure of funds under this part for installation of materials (other than weatherization materials) to abate energy-related health and safety hazards, to a list of types of such hazards, permissible abatement materials and their costs which is submitted, and updated as necessary at the same time as an annual application under § 440.12 of this part and which DOE shall approve if—

(1) Elimination of such hazards are necessary before, or as a result of, installation of weatherization materials; and

(2) The grantee sets forth a limitation on the percent of average dwelling unit costs which may be used to abate such hazards which is reasonable in light of the primary energy conservation purpose of this part;

(i) The benefits of weatherization to occupants of rental units are protected in accordance with § 440.22(b)(3) of this part.

9. Section 440.18 is revised to read as follows:

§ 440.18 Allowable expenditures.

(a) An average of at least 40 percent of the funds provided in a State under

this part for weatherization materials, labor, and related matters included in paragraphs (c)(1) through (9) of this section shall be spent for weatherization materials, except if DOE approves a State's application to waive the 40 percent requirement under § 440.21(h).

(b) The expenditure of financial assistance provided under this part for labor, weatherization materials, and related matters included in paragraphs (c)(1) through (9) and (c)(15) of this section shall not exceed an average of $1,600 per dwelling unit weatherized in the State, except as adjusted as follows:

(1) The $1,600 average will be adjusted annually by DOE beginning in calendar year 1991 by increasing the limitation by an amount equal to:

(i) The limitation amount for the previous year, multiplied by

(ii) The lesser of:

(A) The percentage increase in the Consumer Price Index (all items, United States city average) for the most recent calendar year completed before the beginning of the year for which the determination is being made, or

(B) Three percent.

(2) In addition to the average per-dwelling-unit limitation applicable in a State under this section, DOE shall, upon application by a State, establish a separate average per-dwelling-unit limitation for dwelling units in such States which conform to program requirements and, in addition to any other weatherization modifications, have capital-intensive furnace or cooling efficiency modifications as defined in § 440.3 made under this part. The average per-dwelling-unit limitation applicable in a State which meets these requirements shall not exceed an amount equal to:

(i) The amount permitted for the expenditure of financial assistance for labor, weatherization materials, and related matters for dwelling units in such State in paragraphs (c) (1) through (9) and (c)(15) of this section plus

(ii) An amount determined by the State to be the average amount that is appropriate for capital-intensive furnace or cooling efficiency modifications of dwelling units of the type assisted under this part in such State and approved by DOE.

(c) Allowable expenditures under this part include only:

(1) The cost of purchase and delivery of weatherization materials;

(2) Labor costs, in accordance with § 440.19;

(3) Transportation of weatherization materials, tools, equipment, and work crews to a storage site and to the site of weatherization work;

(4) Maintenance, operation, and insurance of vehicles used to transport weatherization materials;

(5) Maintenance of tools and equipment;

(6) Purchase or annual lease of tools, equipment, and vehicles, except that any purchase of vehicles shall be referred to DOE for prior approval in every instance;

(7) Employment of on-site supervisory personnel;

(8) Storage of weatherization materials, tools, and equipment;

(9) The cost of incidental repairs if such repairs are necessary to make the installation of weatherization materials effective;

(10) The cost of liability insurance for weatherization projects for personal injury and for property damage;

(11) The cost of carrying out low-cost/no-cost weatherization activities in accordance with § 440.20;

(12) The cost of weatherization program financial audits as required by § 440.23(d);

(13) Allowable administrative expenses under paragraph (d) of this section; and

(14) Funds used for leveraging activities in accordance with § 440.14(b)(9)(xiv); and

(15) The cost of eliminating health and safety hazards elimination of which is necessary before, or because of, installation of weatherization materials.

(d) Not more than 10 percent of any grant made to a State may be used by the grantee and subgrantees for administrative purposes in carrying out duties under this part, except that not more than 5 percent may be used by the State for such purposes, and not less than 5 percent must be made available to subgrantees by States. A State may provide in its annual plan for recipients of grants of less than $350,000 to use up to an additional 5 percent of such grants for administration if the State has determined that such recipient requires such additional amount to implement effectively the administrative requirements established by DOE pursuant to this part.

(e) No grant funds awarded under this part shall be used for any of the following purposes:

(1) To weatherize a dwelling unit which is designated for acquisition or clearance by a Federal, State, or local program within 12 months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(2) To install or otherwise provide weatherization materials for a dwelling unit weatherized previously with grant funds under this part, except:

(i) As provided under § 440.20;

(ii) If such dwelling unit has been damaged by fire, flood, or act of God and repair of the damage to weatherization materials is not paid for by insurance; or

(iii) That dwelling units partially weatherized under this part or under other Federal programs during the period September 30, 1975, through September 30, 1985, may receive further financial assistance for weatherization under this part. While DOE will continue to require these homes to be reported separately, States may count these homes as completions for the purposes of compliance with the per-home expenditure limit in § 440.18. Each dwelling unit must receive a new energy audit which takes into account any previous energy conservation improvements to the dwelling.

§ 440.19 [Amended].

10. Paragraph 440.19(a)(2) is amended by removing the phrase "to install weatherization materials" before the word "provided."

11. Section 440.21 is revised as follows:

§ 440.21 Standards and techniques for weatherization.

(a) Paragraphs (b) through (g) of this section set forth the energy audit procedures which apply to the grantees and subgrantees who are subject to the 40 percent material cost requirement in § 440.18(a) of this part. Paragraphs (b), (d), (e), and (h) through (k) of this section set forth the requirements for the energy audit procedures which, if satisfied in the State plan, warrant approval of a State's application to waive the 40 percent material cost requirement in § 440.18(a) of this part.

(b) Only weatherization materials which are listed in appendix A and which meet or exceed standards prescribed in appendix A to this part shall be purchased with funds provided under this part, except that DOE may approve an unlisted material upon application from any State.

(c) The most cost-effective weatherization materials for each dwelling unit shall be determined by audit procedures using the following formula:

(1) The cost of fuel saved per year by installing a weatherization material in a dwelling unit;

(2) Multiplied by the appropriate lifetime of the weatherization material; and

(3) Divided by the cost of the weatherization material and the cost of the installation of the weatherization material.

(d) The computation of the cost of fuel saved per year must take into account

the number of heating or cooling degree days in the area of which the computation is being made and must otherwise use reasonable methods and assumptions.

(e) The figures used for the lifetime of the materials and for the costs of materials and cost of the installation of the materials must be generally accepted in the relevant trade.

(f) The weatherization materials which shall be installed first are those which are determined to be the most cost effective using the formula in paragraph (c) of this section.

(g) The audit procedures used in Project Retro-Tech to determine the most cost-effective weatherization materials comply with this section. The grantee or subgrantee may use other audit procedures to determine the most cost-effective weatherization materials, provided that these procedures comply with this section and are approved by the Support Office Director prior to their use. A grantee or subgrantee may use results obtained from audits conducted under the Residential Conservation Service Program as part of the audit procedures which have been approved by the Support Office Director.

(h) The energy audit procedures must—

(1) Consider the rate of energy use;

(2) Address significant heating and cooling needs;

(3) Make provision for use of advanced diagnostic and assessment techniques which DOE has determined are consistent with sound engineering practices;

(4) Determine energy use from actual energy bills or by generally accepted engineering calculations;

(5) Consistent with paragraphs (d) and (e) of this section, determine that each weatherization material is cost effective by ensuring that the net fuel cost savings over the lifetime of such weatherization material, discounted to present value in accordance with paragraph (i) of this section, to the costs to be claimed as allowable under § 440.18(c)(1), (2), and (7), and any other significant, related cost required to be included by a State, is greater than or equal to one;

(6) Assign priorities among weatherization materials in descending order of their cost effectiveness ratios calculated under paragraph (h)(5) of this section;

(i) After adjusting those ratios for interaction between architectural and mechanical weatherization materials by decreasing the estimated fuel cost savings for a lower priority weatherization material in light of fuel cost savings for a related higher priority weatherization material; and

(ii) Eliminating any weatherization material if its cost effectiveness ratio, as adjusted under paragraph (h)(6) of this section, is less than one;

(7) Determine that the total conservation investment has a positive rate of return by ensuring that the ratio of the cumulative net fuel cost savings of all weatherization materials, adjusted for interaction between architectural and mechanical weatherization materials if any, to the cumulative costs included under paragraph (h)(5) of this section and the costs to be claimed as allowable under § 440.18(c)(9), is greater than or equal to one;

(8) Identify health and safety hazards to be abated with DOE funds in compliance with the State's DOE-approved health and safety procedures under § 440.16(h); and

(9) Treat the dwelling unit as a whole system by examining its heating and cooling system, its air exchange system and it occupants' living habits and needs, and making necessary adjustments to the priority of weatherization materials with adequate documentation of the reasons for such an adjustment.

(i) The energy audit must provide for use of the annually adjusted discount rate provided by DOE except that a State may keep that rate constant up to 5 years or may use a reasonable higher real discount rate. Subject to a ceiling of 10 percent and floor of 3 percent and subject to adjustment by DOE region for a rate of fuel cost escalation predicted by the DOE Energy Information Administration, DOE shall calculate annually the adjusted discount rate, for use under paragraph (h) of this section as a 12-month average of the composite yields of all outstanding U.S. Treasury bonds neither due nor callable in less than 10 years, as most recently reported by the Federal Reserve, adjusted to exclude estimated increases in the general level of prices consistent with projections of inflation in the most recent Economic Report of the President's Council of Economic Advisers.

(j) For typical dwelling units without unusual energy consuming characteristics which significantly alter typical energy usage, energy audits may be accomplished by using a priority list developed by conducting, in compliance with paragraph (h) of this section, site-specific energy audits of a representative sample of typical dwelling units for each major dwelling type covered by the State's weatherization program. Priority lists developed in accordance with this paragraph must be revalidated by conducting a representative sample of site-specific energy audits every 5 years.

(k) Subject to DOE approval, a State may use as a part of an energy audit, a list of presumptively cost effective general heat waste reduction weatherization materials and the circumstance under which such materials may be presumed cost effective without need for further audit justification if those materials are shown to be cost effective in typical dwelling units for major dwelling unit types in the State based on documentation of a representative number of site-specific energy audits.

12. Section 440.22 is revised to read as follows:

§ 440.22 Eligible dwelling units.

(a) A dwelling unit shall be eligible for weatherization assistance under this part if it is occupied by a family unit:

(1) Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget;

(2) Which contains a member who has received cash assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law at any time during the 12-month period preceding the determination of eligibility for weatherization assistance; or

(3) If the State elects, is eligible for assistance under the Low-Income Home Energy Assistance Act of 1981, provided that such basis is at least 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

(b) A subgrantee may weatherize a building containing rental dwelling units using financial assistance for dwelling units eligible for weatherization assistance under paragraph (a) of this section, where:

(1) The subgrantee has obtained the written permission of the owner or his agent;

(2) Not less than 66 percent (50 percent for duplexes and four-unit buildings) of the dwelling units in the building:

(i) Are eligible dwelling units, or

(ii) Will become eligible dwelling units within 180 days under a Federal, State, or local government program for rehabilitating the building or making similar improvements to the building; and

(3) The grantee has established procedures for dwellings which consist of a rental unit or rental units to ensure that:

(i) The benefits of weatherization assistance in connection with such rental units, including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units;

(ii) For a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed;

(iii) The enforcement of paragraph (b)(3)(ii) of this section is provided through procedures established by the State by which tenants may file complaints, and owners, in response to such complaints, shall demonstrate that the rent increase concerned is related to matters other than the weatherization work performed; and

(iv) No undue or excessive enhancement shall occur to the value of the dwelling units.

(c) In order to secure the Federal investment made under this part and address the issues of eviction from and sale of property receiving weatherization materials under this part, States may seek landlord agreement to placement of a lien or to other contractual restrictions;

(d) As a condition of having assistance provided under this part with respect to multifamily buildings, a State may require financial participation, when feasible, from the owners of such buildings. Such financial participation shall not be reported as program income, nor will it be treated as if it were appropriated funds. The funds contributed by the landlord shall be expended in accordance with the agreement between the landlord and the weatherization agency.

(e) In devising procedures under paragraph (b)(3)(iii) of this section, States should consider requiring use of alternative dispute resolution procedures including arbitration.

(f) A State may weatherize shelters. For the purpose of determining how many dwelling units exist in a shelter, a grantee may count each 800 square feet of the shelter as a dwelling unit or it may count each floor of the shelter as a dwelling unit.

Section 440.23 [Amended]

13. In § 440.23(d), the words "OMB Circular A–102, Attachment P" are changed to read "10 CFR part 600".

14. Section 440.24 is revised to read as follows:

§ 440.24 Recordkeeping.

Each grantee or subgrantee receiving Federal financial assistance under this part shall keep such records as DOE shall require, including records which fully disclose the amount and disposition by each grantee and subgrantee of the funds received, the total cost of a weatherization project or the total expenditure to implement the State plan for which assistance was given or used, the source and amount of funds for such project or program not supplied by DOE, the average costs incurred in weatherization of individual dwelling units, the average size of the dwelling being weatherized, the average income of households receiving assistance under this part, and such other records as DOE deems necessary for an effective audit and performance evaluation. Such recordkeeping shall be in accordance with the DOE Financial Assistance Rule, 10 CFR part 600, and any further requirements of this part.

Sections 440.26, 440.27, 440.28, 440.29 [Removed and Reserved]

15. Sections 440.26, 440.27, 440.28 and 440.29 are removed and reserved.

Section 440.30 [Amended]

16. In § 440.30, add the words "or § 440.13" after the words "§ 440.12" in paragraphs (a) (both occurrences) and (d).

Sections 440.10, 440.11, 440.12, 440.13, 440.17, 440.20, 440.23, 440.30 [Amended]

17. In § 440.10, 440.11, 440.12, 440.13, 440.17, 440.20, 440.23, 440.30 the words "Operations Office Manager" are changed to read "Support Office Director" in:

Section 440.10(e);
Section 440.11(a) (introductory text), (b) (2 times), (c) (introductory text), (d) (3 times), and (e) (2 times);
Section 440.12 (a) (4 times) and (c) introductory text (2 times);
Section 440.13(a) (introductory text) and (b);
Section 440.17(a) (introductory text);
Section 440.20(b);
Section 440.23 (a) and (c); and
Section 440.30 (b), (d), (f), and (i).

18. Appendix A to Part 440 is revised to read as follows:

Appendix A—Standards for Weatherization Materials

The following Government standards are produced by the Consumer Product Safety Commission and are published in title 16, Code of Federal Regulations:

Thermal Insulating Materials for Building Elements Including Walls, Floors, Ceilings, Attics, and Roofs Insulation—organic fiber—conformance to Interim Safety Standard in 16 CFR part 1209;

Fire Safety Requirements for Thermal Insulating Materials According to Insulation Use—Attic Floor—insulation materials intended for exposed use in attic floors shall be capable of meeting the same flammability requirements given for cellulose insulation in 16 CFR part 1209;

Enclosed spaces—insulation materials intended for use within enclosed stud or joist spaces shall be capable of meeting the smoldering combustion requirements in 16 CFR part 1209.

The following standards which are not otherwise set forth in part 440 are incorporated by reference and made a part of part 440. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on April 5, 1993 and a notice of any change in these materials will be published in the **Federal Register**. The standards incorporated by reference are available for inspection at the Office of the Federal Register Information Center, 800 North Capitol Street, suite 700, Washington, DC.

The standards incorporated by reference in part 440 can be obtained from the following [illegible]

Air Conditioning and Refrigeration Institute, 1501 Wilson Blvd., Arlington, VA 22209; (703) 524–8800.

American Gas Association, 1515 Wilson Blvd., Arlington, VA 22209; (703) 841–[illegible]400.

American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018; (212) 642–4900.

American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017; (212) 705–7800.

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103; (215) 299–5400.

American Architectural Manufacturers Association, 1540 East Dundee Road, Palatine, IL 60067; (708) 202–1350.

Federal Specifications, General Services Administration, Specifications Section, Room 6654, 7th and D Streets, SW, Washington, DC 20407; (202) 708–5082.

Gas Appliance Manufacturers Association, 1901 Moore St., Arlington, VA 22209; (703) 525–9565.

National Electrical Manufacturers Association, 2101 L Street, NW, Suite 300, Washington, DC 20037; (202) 457–8400.

National Fire Protection Association, Batterymarch Park, P.O. Box 9101, Quincy, MA 02269; (617) 770–3000.

National Standards Association, 1200 Quince Orchard Blvd., Gaithersburg, MD 20878; (301) 590–2300. (NSA is a local contact for materials from ASTM).

National Wood Window and Door Association, 1400 East Touhy Avenue, Des Plaines, IL 60018; (708) 299–5200.

Sheet Metal and Air Conditioning Contractors Association, P.O. Box 221230, Chantilly, VA 22022–1230; (703) 803–2980.

Steel Door Institute, 712 Lakewood Center North, 14600 Detroit Avenue, Cleveland, OH 44107; (216) 899–0100.
Steel Window Institute, 1230 Keith Building, Cleveland, OH 44115; (216) 241–7333.
Tubular Exchanger Manufacturers Association, 25 North Broadway, Tarrytown, NY 10591; (914) 332–0040.
Underwriters Laboratories, Inc., P.O. Box 75530, Chicago, IL 60675–5330; (708) 272–8500.

More information regarding the standards in this reference can be obtained from the following sources:

Environmental Protection Agency, 401 M Street, NW, Washington, DC 20006; (202) 554–1080.
National Institute of Standards and Technology, U.S. Department of Commerce, Gaithersburg, MD 20899, (301) 975–2000
Weatherization Assistance Programs Division, Conservation and Renewable Energy, Mail Stop 5G–023, Forrestal Bldg, 1000 Independence Ave, SW, Washington, DC 20585; (202) 586–2207.

Thermal Insulating Materials for Building Elements Including Walls, Floors, Ceilings, Attics, and Roofs

[Standards for conformance]

Insulation—mineral fiber:	
Blanket insulation	ASTM[1] C665–88.
Roof insulation board	ASTM C726–86.
Loose-fill insulation	ASTM C764–88.
Insulation—mineral cellular:	
Vermiculite loose-fill insulation.	ASTM C516–80 (1990).
Perlite loose-fill insulation	ASTM C549–81 (1986).
Cellular glass insulation block.	ASTM C552–88.
Perlite insulation board	ASTM C728–89a.
Insulation—organic fiber:	
Cellulosic fiber insulating board.	ASTM C208–72 (1982).
Cellulose loose-fill insulation	ASTM C739–88.
Insulation-organic cellular:	
Preformed block-type polystyrene insulation.	ASTM C578–87a.
Rigid preformed polyurethane insulation board.	ASTM C591–85.
Polyurethane or polyisocyanurate insulation board faced with aluminum foil on both sides.	FS[2] HH–I–1972/1 (1981).
Polyurethane or polyisocyanurate insulation board faced with felt on both sides.	FS HH–I–1972/2 (1981). And Amendment 1, October 3, 1985.
Insulation—composite boards:	
Mineral fiber and rigid cellular polyurethane composite roof insulation board.	ASTM C726–86.
Perlite board and rigid cellular polyurethane composite roof insulation.	ASTM D984–81.
Gypsum board and polyurethane or polisocyanurate composite board.	FS HH–I–1972/4 (1981).
Materials used as a patch to reduce infiltration through the building envelope.	Commercially available.

[1] ASTM indicates American Society for Testing and Materials.
[2] FS indicates Federal Specifications.

Thermal Insulating Materials for Pipes, Ducts, and Equipment Such as Boilers and Furnaces

[Standards for conformance]

Insulation—mineral fiber:	
Preformed pipe insulation	ASTM[1] C547–77.
Blanket and felt insulation (industrial type).	ASTM C553–70 (1977).
Blanket insulation and blanket type pipe insulation (metal-mesh covered) (industrial type).	ASTM C592–80.
Block and board insulation	ASTM C612–83.
Spray applied fibrous insulation for elevated temperatures.	ASTM C720–89.
High-temperature fiber blanket insulation.	ASTM C892–89.
Duct work insulation	Selected and applied according to ASTM C871–82.
Insulation—mineral cellular:	
Diatomaceous earth block and pipe insulation.	ASTM C517–71 (1979)
Calcium silicate block and pipe insulation.	ASTM C533–85 (1990).
Cellular glass insulation	ASTM C552–88.
Expanded perlite block and pipe insulation.	ASTM C610–85.
Insulation—Organic Cellular:	
Preformed flexible elastomeric cellular insulation in sheet and tubular form.	ASTM C534–88.
Unfaced preformed rigid cellular polyurethane insulation.	ASTM C591–85.
Insulation skirting	Commercially available.

[1] ASTM indicates American Society for Testing and Materials.

Fire Safety Requirements for Insulating Materials According to Insulation Use

[Standards for conformance]

Attic floor	Insulation materials intended for exposed use in attic floors shall be capable of meeting the same smoldering combustion requirements given for cellulose insulation in ASTM[1] C739–88.
Enclosed space.	Insulation materials intended for use within enclosed stud or joist spaces shall be capable of meeting the smoldering combustion requirements in ASTM C739–88.
Exposed interior walls and ceilings.	Insulation materials, including those with combustible facings, which remain exposed and serve as wall or ceiling interior finish, shall have a flame spread classification not to exceed 150 (per ASTM E84–89a).
Exterior envelope walls and roofs.	Exterior envelope walls and roofs containing thermal insulations shall meet applicable local government building code requirements for the complete wall or roof assembly.
Pipes, ducts, and equipment.	Insulation materials intended for use on pipes, ducts and equipment shall be capable of meeting a flame spread classification not to exceed 150 (per ASTM E84–89a).

[1] ASTM indicates American Society for Testing and Materials.

Storm Windows

[Standards for conformance]

Storm windows:	
Aluminum insulating storm windows.	ANSI/AAMA[1] 1002.10–83.
Aluminum frame storm windows.	ANSI/AAMA 1002.10–83.
Wood frame storm windows.	ANSI/NWWDA[2] I.S. 2–87. (Section 3)
Rigid vinyl frame storm windows.	ASTM[3] D4099–89.
Frameless plastic glazing storm.	Required minimum thickness windows is 6 mil (.006 inches).
Movable insulation systems for windows.	Commercially available.

[1] ANSI/AAMA indicates American National Standards Institute/American Architectural Manufacturers Association.
[2] ANSI/NWWDA indicates American National Standards Institute/National Wood Window & Door Association.
[3] ASTM indicates American Society for Testing and Materials.

Storm Doors

[Standards for conformance]

Storm doors—Aluminum:	
Storm Doors	ANSI/AAMA[1] 1102.7–89.
Sliding glass storm doors.	ANSI/AAMA 1002.10–83.
Wood storm doors	ANSI/NWWDA[2] I.S. 6–86.
Rigid vinyl storm doors	ASTM[3] D3678–88.
Vestibules:	
Materials to construct vestibules.	Commercially available.
Replacement windows:	
Aluminum frame windows.	ANSI/AAMA 101–88.
Steel frame windows	Steel Window Institute recommended specifications for steel windows, 1990.
Wood frame windows	ANSI/NWWDA I.S. 2–87.
Rigid vinyl frame windows.	ASTM D4099–89.

[1] ANSI/AAMA indicates American National Standards Institute/American Architectural Manufacturers Association.
[2] ANSI/NWWDA indicates American National Standards Institute/National Wood Window & Door Association.
[3] ASTM indicates American Society for Testing and Materials.

Replacement Doors

[Standards for conformance]

Replacement doors—	
Hinged doors:	
Steel doors	ANSI/SDI[1] 100–1985.
Wood doors:	
Flush doors	ANSI/NWWDA[2] I.S. 1–87. (exterior door provisions)
Pine, fir, hemlock and spruce doors.	ANSI/NWWDA I.S. 6–86.
Sliding patio doors:	
Aluminum doors	ANSI/AAMA[3] 101–88.
Wood doors	NWWDA I.S. 3–83.

[1] ANSI/SDI indicates American National Standards Institute/Steel Door Institute.
[2] ANSI/NWWDA indicates American National Standards Institute/National Wood Window & Door Association.
[3] ANSI/AAMA indicates American National Standards Institute/American Architectural Manufacturers Association.

CAULKS AND SEALANTS:
[Standards for conformance]

Caulks and sealants:	
Putty	FS[1] TT–P–00791B, October 16, 1969 and Amendment 2, March 23, 1971.
Glazing compounds for metal sash.	ASTM[2] C669–75 (1989).
Oil and resin base caulks.	ASTM C570–72 (1989).
Acrylic (solvent types) sealants.	FS TT–S–00230C, February 2, 1970 and Amendment 2, October 9, 1970.
Butyl rubber sealants	FS TT–S–001657, October 8, 1970.
Chlorosulfonated polyethylene sealants.	FS TT–S–00230C, February 2, 1970 and Amendment 2, October 9, 1970.
Latex sealing compounds.	ASTM C834–76 (1986).
Elastomeric joint sealants (normally considered to include polysulfide, polyurethane, and silicone).	ASTM C920–87
Preformed gaskets and sealing materials.	ASTM C509–84.

[1] FS indicates Federal Specifications.
[2] ASTM indicates American Society for Testing and Materials.

WEATHERSTRIPPING
[Standards for conformance]

Weatherstripping	Commercially available.
Vapor retarders	Selected according to the provisions cited in ASTM[1] C755–85 (1990). Permeance not greater than 1 perm when determined according to the desiccant method described in ASTM E96–90.
Items to improve attic ventilation.	Commercially available.
Clock thermostats	NEMA[2] DC 3–1989.

[1] ASTM indicates American Society for Testing and Materials.
[2] NEMA indicates National Electrical Manufacturers Association.

HEAT EXCHANGERS
[Standards for conformance]

Heat exchangers, water-to-water and steam-to-water.	ASME[1] Boiler and Pressure Vessel Code, 1992, Sections II, V, VIII, IX, and X, as applicable to pressure vessels. Standards of Tubular Exchanger Manufacturers Association, Seventh Edition, 1988.

HEAT EXCHANGERS—Continued
[Standards for conformance]

Heat exchangers with gas-fired appliances[2].	Conformance to AGA[3] Requirements for Heat Reclaimer Devices for Use with Gas-Fired Appliances No. 1–80, June 1, 1980. AGA Laboratories Certification Seal.
Heat pump water heating heat recovery systems.	Electrical components to be listed by UL.[4]

[1] ASME indicates American Society of Mechanical Engineers.
[2] The heat reclaimer is for installation in a section of the vent connector from appliances equipped with draft hoods or appliances equipped with powered burners or induced draft and not equipped with a draft hood.
[3] AGA indicates American Gas Association.
[4] UL indicates Underwriters Laboratories.

BOILER/FURNACE CONTROL SYSTEMS
[Standards for conformance]

Automatic set back thermostats.	Listed by UL.[1] Conformance to NEMA[2] DC 3–1989.
Line voltage or low voltage room thermostats.	NEMA DC 3–1989.
Automatic gas ignition systems.	ANSI[3] Z21.21–1987 and Z21.21a-1989. AGA[4] Laboratories Certification Seal.
Energy management systems.	Listed by UL.
Hydronic boiler controls	Listed by UL.
Other burner controls	Listed by UL.

[1] UL indicates Underwriters Laboratories.
[2] NEMA indicates National Electrical Manufacturers Association.
[3] ANSI indicates American National Standards Institute.
[4] AGA indicates American Gas Association.

WATER HEATER MODIFICATIONS
[Standards for conformance]

Insulate tank and distribution piping.	(See insulation section of this appendix).
Install heat traps on inlet and outlet piping.	Applicable local plumbing code.
Install/replace water heater heating elements.	Listed by UL[1].
Electric, freeze-prevention tape for pipes.	Listed by UL.
Reduce thermostat settings.	State or local recommendations.
Install stack damper, gas-fueled.	ANS1[2] Z21.66–1988, including Exhibits A&B, and ANSI Z223.1–1988.
Install stack damper, oil-fueled.	UL 17, November 28, 1988, and NFPA[3] 31–1987.
Install water flow modifiers.	Commercially available.

[1] UL indicates Underwriters Laboratories.
[2] ANSI indicates American National Standards Institute.
[3] NFPA indicates National Fire Prevention Association.

WASTE HEAT RECOVERY DEVICES
[Standards for conformance]

Desuperheater/ water heaters.	ARI[1] 470–1987.

WASTE HEAT RECOVERY DEVICES—Continued
[Standards for conformance]

Condensing heat exchangers.	Commercially available components and in new heating furnace systems to manufacturers' specifications.
Condensing heat exchangers.	Commercially available (Commercial, multi-story building, with teflon-lined tubes institutional) to manufacturers' specifications.
Energy recovery equipment.	Energy Recovery Equipment and Systems Air-to-Air (1978) Sheet Metal and Air-Conditioning Contractors National Association (SMACNA).[2]

[1] ARI indicates Air Conditioning and Refrigeration Institute.
[2] SMACNA denotes Sheet Metal and Air Conditioning Contractors' National Association.

BOILER REPAIR AND MODIFICATIONS/ EFFICIENCY IMPROVEMENTS
[Standards for conformance]

Install gas conversion burners.	ANSI[1] Z21.8–1984, (for gas or oil-fired systems) ANSI Z21.17–1984, ANSI Z21.17a-1990, and ANSI Z223.1–1988. AGA[2] Laboratories Certification seal.
Replace oil burner	UL[3] 296, February 28, 1989 Revision and NFPA[4] 31–1987.
Install burners (oil/gas)	ANSI Z223.1–1988 for gas equipment and NFPA 31–1987 for oil equipment.
Re-adjust boiler water temperature or install automatic boiler temperature reset control.	ASME[5] CSD–1–1988, ASME CSD–1a-1989, ANSI Z223.1–1988, and NFPA 31–1987.
Replace/modify boilers	ASME Boiler and Pressure Vessel Code, 1992, Sections II, IV, V, VI, VIII, IX, and X. Boilers must be Institute of Boilers and Radiation Manufacturers (IBR) equipment.
Clean heat exchanger, adjust burner air shutter(s), check smoke no. on oil-fueled equipment. Check operation of pump(s) and replacement filters.	Per manufacturers' instructions.
Repair combustion chambers.	Refractory linings may be required for conversions.
Replace heat exchangers, tubes.	Protection from flame contact with conversion burners by refractory shield.

Boiler Repair and Modifications/Efficiency Improvements—Continued

[Standards for conformance]

Install/replace thermostatic radiator valves.	Commercially available. One pipe steam systems require air vents on each radiator; see manufacturers' requirements.
Install boiler duty cycle control system.	Commercially available. NFPA 70, National Electrical Code (NEC) 1993 and local electrical codes provisions for wiring.

[1] ANSI indicates American National Standards Institute.
[2] AGA indicates American Gas Association.
[3] UL indicates Underwriters Laboratories.
[4] NFPA indicates National Fire Prevention Association.
[5] ANSI/ASME indicates American National Standards Institute/American Society of Mechanical Engineers.

Heating and Cooling System Repairs and Tune-ups/Efficiency Improvements

[Standards for conformance]

Install duct insulation	FS[1] HH-I-558C, January 7, 1992 (see insulation sections of this appendix).
Reduce input of burner; derate gas-fueled equipment.	Local utility company and procedures if applicable for gas-fueled furnaces and ANSI[2] Z223.1–1988 (NFPA[3] 54–1988) including Appendix H.
Repair/replace oil-fired equipment.	NFPA 31–1987.
Replace combustion chamber in oil-fired furnaces or boilers.	NFPA 31–1987.
Clean heat exchanger and adjust burner: adjust air shutter and check CO_2 and stack temperature. Clean or replace air filter on forced air furnace.	ANSI Z223.1–1988 (NFPA 54–1988) including Appendix H.
Install vent dampers for gas-fueled heating systems.	Applicable sections of ANSI Z223.1–1988 (NFPA 54–1988) including Appendices H, I, J, and K. ANSI Z21.66–1988 and Exhibits A & B for electrically operated dampers.
Install vent dampers for oil-fueled heating systems.	Applicable sections of NFPA 31–1987 for installation and in conformance with UL[4] 17, November 26, 1988.

Heating and Cooling System Repairs and Tune-ups/Efficiency Improvements—Continued

[Standards for conformance]

Reduce excess combustion air:	
A: Reduce vent connector size of gas-fueled appliances.	ANSI Z223.1–1988 (NFPA 54–1988) Part 9 and Appendices G & H.
B: Adjust barometric draft regulator for oil fuels.	NFPA 31–1987 and per manufacturers' (furnace or boiler) instructions.
Replace constant burning pilot with electric ignition device on gas-fueled furnaces or boilers.	ANSI Z21.71–1981, Z21.71a-1985, and Z21.71b-1989.
Readjust fan switch on forced air gas or oil-fueled furnaces.	Applicable sections and Appendix H of ANSI Z223.1–1988 (NFPA 54–1988) for gas furnaces and NFPA 31–1987 for oil furnaces.
Replace burners	See power burners (oil/gas).
Install/replace duct furnaces (gas).	ANSI Z223.1–1988 (NFPA 54–1988).
Install/replace heat pumps.	Listed by UL.
Replace air diffusers, intakes, registers, and grilles.	Commercially available.
Install/replace warm air heating metal ducts.	Commercially available.
Filter alarm units	Commercially available.

[1] FS indicates Federal Specifications.
[2] ANSI indicates American National Standards Institute.
[3] NFPA indicates National Fire Prevention Association.
[4] UL indicates Underwriters Laboratories.

Replacement Furnaces, Boilers, and Wood Stoves

[Standards for conformance]

Chimneys, fireplaces, vents and solid fuel burning appliances.	NFPA[1] 211–1988.
Gas-fired furnaces	ANS1[2] Z21.47–1987, Z21.47a–1988, and Z21.47b–1989. ANSI Z223.1–1988 (NFPA 54–1988).
Oil-fired furnaces	UL[3] 727, August 27, 1991 Revision and NFPA 31–1987.
Liquified petroleum gas storage.	NFPA 58–1989.
Ventilation fans:	
Including electric attic, ceiling, and whole house fans.	UL 507, August 23, 1990 Revision.

[1] NFPA indicates National Fire Prevention Association.
[2] ANSI indicates American National Standards Institute.
[3] UL indicates Underwriters Laboratories.

Air Conditioners and Cooling Equipment

[Standards for conformance]

Air conditioners:	
Central air conditioners	ARI[1] 210/240–1989.
Room size units	ANSI/AHAM[2] RAC–1–1982.
Other cooling equipment:	
Including evaporative coolers, heat pumps and other equipment.	UL[3] 1995, November 30, 1990.[4]

[1] ARI indicates Air Conditioning and Refrigeration Institute.
[2] AHAM/ANSI indicates American Home Appliance Manufacturers/American National Standards Institute.
[3] UL indicates Underwriters Laboratories.
[4] This standard is a general standard covering many different types of heating and cooling equipment.

Screens, Window Films, and Reflective Materials

[Standards for conformance]

Insect screens	Commercially available.
Window films	Commercially available.
Shade screens:	
Fiberglass shade screens	Commercially available.
Polyester shade screens	Commercially available.
Rigid awnings:	
Wood rigid awnings	Commercially available.
Metal rigid awnings	Commercially available.
Louver systems:	
Wood louver systems	Commercially available.
Metal louver systems	Commercially available.
Industrial-grade white paint used as a heat-reflective measure on awnings, window louvers, doors, and exterior duct work (exposed).	Commercially available.

[FR Doc. 93–3697 Filed 3–3–93; 8:45 am]
BILLING CODE 6450–01–P

federal register

Thursday
March 4, 1993

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice of Approved Tribal-State Compact

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact for Class III Gaming Between the Confederated Tribes of the Chehalis Reservation and the State of Washington, enacted on December 21, 1992.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: February 22, 1993.

Stan Speaks,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–4949 Filed 3–3–93; 8:45 am]

BILLING CODE 4310-02-M

federal register

Thursday
March 4, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice of Approved Tribal-State Compact

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Between the Upper Skagit Indian Tribe and the State of Washington, enacted on December 21, 1992.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Interim Staff Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–0994.

Dated: February 19, 1993.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–4950 Filed 3–3–93; 8:45 am]

BILLING CODE 4310–02–M

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